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CRL.O.P.No.10299 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No. 10299 of 2023

N.Gnanasekar

... Petitioner

Vs.

State rep. by Inspector of Police,
Government Hospital Police Station,
Erode.
(Crime No.20 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.
praying to set aside the order passed in CrI.M.P.No.1282 of 2023 by the
learned Principal District and Sessions Judge, Erode dated 12.04.2023 and may
totally relax the condition imposed in CrI.M.P.No.1282 of 2023 by the learned
Principal District and Sessions Judge, Erode by its order dated 12.04.2023.

For Petitioner : Mr.S.Shankar
For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)

ORDER

This petition has been filed to relax the condition imposed in
CrI.M.P.No.1282 of 2023 by the learned Principal District and Sessions Judge,
Erode, order dated 12.04.2023 and to set aside the same.



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2. The learned counsel for the petitioner submitted that the petitioner was arrested by the respondent police in Crime No.20 of 2023 for the offences under Sections 153, 504, 505(1) (b) of IPC r/w 3(1)(r) of SC/ST Act 2015, and the Lower Court while granting bail, “the petitioner/accused is hereby directed to appear before the Inspector of police, R.S.Puram Police Station, daily twice at 10.00 a.m., and 5.00 p.m., until further orders”. Subsequently, the petitioner complied the condition from 26.03.2023 without fail and filed a CrI.M.P.NO.1282 of 2023 to relax the condition, since the petitioner's wife is in advanced stage of pregnancy and he has to be present with wife to take care of during the delivery time. Therefore, the lower Court by its order dated 12.04.2023 partly allowed the petition and directed the petitioner to appear before "the Inspector of Police, Tenkasi Police Station daily twice at 10.a.m., and 5.00 p.m., for a period of two months from 12.04.2023 to 12.06.2023 and posted the matter again on 12.06.2023". He also submitted that the petitioner's wife is expected to deliver a child at any time and he has been put it to much hardship and not able to take care of his pregnant wife who is expected to deliver within few days and the petitioner is travelling nearly 100 kms from his residence to appear before the Inspector of Police, Tenkasi Police Station. Hence, he seeks to modify the condition as imposed by the Court below.



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4. Considering the facts and circumstances of the case, reason is justifiable, hence, this Court modifies the condition that “the petitioner/accused is hereby directed to appear before the Inspector of Police, Tenkasi Police Station, as and when required for interrogation”. The other conditions imposed by the Court shall remain intact.

5. With the above modification, this Criminal Original Petition is ordered.

05.05.2023

Internet : Yes / No
Speaking / Non Speaking order
Neutral Citation: Yes/No

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G.K.ILANTHIRAIYAN, J.

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To

1. The Principal District and Sessions Judge, Erode.
2. The Inspector of Police, Tenkasi Police Station.
3. The Inspector of Police,
Government Hospital Police Station, Erode.

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