



*Crl.M.P.No.10114 of 2023
in Crl.A. No.555 of 2022*

**Crl.M.P. No.10114 of 2023
in Crl.A. No.555 of 2022**

M.SUNDAR, J.

and

R.SAKTHIVEL, J.

(Order of the Court was made by **R.SAKTHIVEL, J.,**)

This criminal miscellaneous petition is filed to relax the condition imposed in the order dated 28.07.2022 in Crl.M.P. No.7415 of 2022 in Crl.A.No.555 of 2022.

2. Learned counsel for the petitioners has submitted that the petitioners had filed a petition in Crl. M.P. No.7415 of 2022 in Crl.A.No.555 of 2022 under Section 389(1) of the Code of Criminal Procedure, 1973 seeking suspension of sentence and this Court vide order dated 28.07.2022 allowed the Crl.M.P.No.7415 of 222 and suspended the sentence of imprisonment and granted bail to the petitioners with some conditions. Further he has submitted that the petitioners are complying with the bail conditions. Learned counsel has further submitted that petitioner Nos.1 and 4 are farmers and petitioner No.2 is a diabetic patient and the petitioner No.3 has lost his eye in counter case. Hence the petitioners are facing some difficulty in complying the condition No.(iii) in para 11 of the bail order. Accordingly, the learned counsel has prayed to relax the condition No.(iii).



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3.Mr.A.Gokulakrishnan, learned Additional Public Prosecutor appearing for the State has not disputed the factum of due compliance of the conditions imposed in the aforesaid Crl.M.P.

4.Condition No.(iii) of para 11 of the order passed in Crl.M.P.No.7415 of 2022 reads as follows:

11 (iii) The petitioners shall appear before the trial Court on every Monday at 10.30 a.m. (in case, if Monday is holiday, they shall appear on the next working day) until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court;

5. Admittedly, the petitioners are complying the aforesaid bail conditions scrupulously. Considering the nature of the offences alleged and due compliance of the bail conditions by the petitioners



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and in the interest of justice, this Court does incline to modify the condition No.(iii) of para 11 as follows:

11 (iii) Petitioners shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if the petitioners are not able to appear before the Trial Court on the first working day, they shall make arrangement to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence as directed by the Trial Court.

6. This criminal miscellaneous petition is allowed to the extent indicated above and all other conditions imposed in the order dated 28.07.2022 shall remain unaltered.

**(M.S.J.,) (R.S.V.J.,)
17.08.2023**

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