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Crl.M.P.No.11231 of 2023

Crl.M.P.No.11231 of 2023

in

Crl.A.No.1232 of 2022

M.SUNDAR, J.,

and

R.SAKTHIVEL, J.,

[Order of this Court was made by R.SAKTHIVEL,J.,]

This 'Criminal Miscellaneous Petition' ['Crl.MP' for the sake of brevity] has been filed by the petitioner praying to relax the condition imposed by this Court vide order dated 14.03.2023 in Crl.MP.No.3644 of 2023 in Crl.A.No.1232 of 2022.

2. The respondent police registered a case against the petitioner herein for alleged offences under Sections 121, 122, 125 of 'the Indian Penal Code, 1860 (Act 45 of 1860)' [hereinafter 'IPC' for the sake of brevity] and Sections 18, 18-A, 20, 38 and 39 of 'the Unlawful Activities (Prevention) Act, 1967' [hereinafter 'UAPA' for the sake of brevity] in Crime No.193 of 2022 on the file of Ambur Town Police Station. Thereafter, the petitioner moved a bail petition in Cr.M.P.No.4096 of 2022 before the Additional District Munsif-cum-Judicial Magistrate, Ambur and the same was dismissed vide order dated 16.11.2022. Feeling aggrieved with the aforementioned order dated



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16.11.2022, the petitioner herein filed Crl.A.No.1232 of 2022 before this Court under Section 21 of 'the National Investigation Agency Act, 2008' [hereinafter 'NIA' for the sake of brevity]. Hon'ble coordinate Division Bench of this Court vide order dated 23.12.2022 allowed the criminal appeal and granted statutory bail to the petitioner with the following conditions:

'18. The upshot of the above discussion is that, the orders passed by learned Magistrate in Crl.M.P.No.4096 of 2022 and in Crl.M.P.No.4098 of 2022 dated 16.11.2022, are hereby set aside and as a sequel, this Criminal Appeal stands allowed and the appellant is granted statutory bail, subject to the following conditions:

- (i) The appellant shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be one of his parents, each for a like sum, to the satisfaction of the Principal District and Sessions Judge, Vellore ;*
- (ii)The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge may obtain a copy of their Aadhaar card or Bank pass book and mobile number to ensure their identity; and*
- (iii)The petitioner shall appear before the respondent Police daily at 10.30 a.m., until further orders.*
- (iv)If the petitioner adopts any dilatory tactics, it is open to the Sessions Judge to cancel the bail and remand the petitioner to custody as laid down by the Supreme Court in State of U.P. Vs. Shambhu Nath Singh [JT 2001 (4) SC 319].*
- (v)Though bail has been granted by this Court, as held by the*



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Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560], the Sessions Judge can cancel the bail, if situation warrants. If the petitioner who is on bail absconds, a fresh FIR shall be registered against him under Section 229-A IPC.'

3. Thereafter, the petitioner filed a petition in Crl.M.P.No.3644 of 2023 in Crl.A.No.1232 of 2022 seeking modification of condition No.(iii) of order dated 23.12.2022. This Court vide order dated 14.03.2023 modified the condition No.(iii) as follows:

'4. Considering the facts and circumstances of the case and taking into account the undisputed position that the petitioner has complied with the conditions, we deem it appropriate to relax condition No.(iii) alone and say that instead of appearing before the respondent police daily at 10.30 a.m. The petitioner will now appear before the Crime Branch Crime Investigation Department, Chennai every Saturday at 10.30 a.m. To be noted, we are informed that the investigation has been transferred from the respondent to Crime Branch Crime Investigation Department, Chennai on 11.01.2023 and therefore the aforementioned condition.'

4. The learned counsel for petitioner has submitted that the petitioner is complying the conditions imposed vide order dated 23.12.2022 in Crl.A.No.1232 of 2022 and vide order dated 14.03.2023 in Crl.M.P.No.3644 of 2023 in Crl.A.No.1232 of 2022. The learned counsel has further



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submitted that the petitioner is a college going student, facing difficulty to come to Chennai and sign before the Crime Branch Crime Investigation Department, Chennai every Saturday at 10.30 a.m. Accordingly, the learned counsel has prayed to relax the condition No.(iii) passed vide order dated 14.03.2023 in Crl.M.P.No.3644 of 2023 in Crl.A.No.1232 of 2022.

5. The learned State Additional Public Prosecutor has submitted that the petitioner is complying the conditions vide orders passed by this Court in Crl.A.No.1232 of 2022 as well as in Crl.M.P.No.3644 of 2023 in Crl.A.No.1232 of 2022.

6. We have considered the submissions made on both sides.

7. Admittedly, the petitioner is complying the conditions imposed by this Court in Crl.A.No.1232 of 2022 as well as in Crl.M.P.No.3644 of 2023 in Crl.A.No.1232 of 2022. It is stated that the petitioner is a college going student and he is facing difficulty to appear before Crime Branch Crime Investigation Department every Saturday at 10.30 a.m. Considering the difficulty of the petitioner, this Court is inclined to modify the condition



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No.(iii) as follows:

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'The petitioner shall appear before Crime Branch
Crime Investigation Department, Chennai every second
Saturday at 5.00 p.m. and mark his presence.'

8. Though obvious, we make it clear that the other conditions imposed
by this Court shall remain unaltered.

9. Resultantly, this Crl.MP is ordered in the aforesaid manner.

[M.S.,J.] [R.S.V.,J.]
26.09.2023

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M.SUNDAR, J.,
and



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R.SAKTHIVEL, J.,

mk

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26.09.2023