



Crl.M.P.Nos.3840 & 6230 of 2023 in Crl.OP.No.4507/2018

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in
Crl.O.P.No.4507 of 2018**

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V. SIVAGNANAM, J.

Crl.M.P.No.3840 of 2023 is filed to relax the condition imposed by this Court in Crl.M.P.No.4717 of 2022 in Crl.O.P.No.4507 of 2018 on 08.04.2022 that the petitioner shall appear before the respondent police on every 1st Monday of every month, till the charge sheet is filed.

2. Crl.M.P.No.6230 of 2023 is filed to condone the absence of the petitioner for his non appearance on 07.11.2023, 02.01.2023 and 06.02.2023 in complying the condition of the order dated 8.4.2022 passed by this court in Crl.M.P.No.4717 of 2022 in Crl.O.P.No.4507 of 2018.

3. The learned counsel for the petitioner with regard to Crl.M.P.No.3840 of 2023 submitted that this court vide order dated 03.09.2021 made in Crl.M.P.No.8698 of 2021, modified the condition imposed on the petitioner in Crl.O.P.No.4507 of 2018 that the petitioner shall appear before the respondent police on every Monday at 10.30 a.m., till the filing of charge sheet and he should appear before the trial court on all hearing dates without fail. Subsequently in Crl.M.P.No.4717 of 2022, this



court vide order dated 08.04.2022, relaxed the condition to the effect that the petitioner shall appear for four Mondays starting from 11.04.2022, 18.04.2022, 25.04.2022 and 02.05.2022, thereafter, in the event of the respondent police not filing the charge sheet, he has to appear before the respondent police on every first Monday of the month till the charge sheet is filed.

4. He submitted that the petitioner has signed before the respondent police on the specific dates as directed by this Court and thereafter continuing to appear on first Monday of every month commencing from 02.05.2022. However, the petitioner is not able to appear before the respondent police on 07.11.2022, 02.01.2023 and 06.02.2023 due to his bad health condition. The petitioner has been complying with the conditions except on few occasions only because of his ill health and other difficulties caused during that relevant point of time. Thus, he prayed for condoning the absence of the petitioner for his non appearance on the abovesaid dates.

5. As far as Crl.M.P.No.3840 of 2023 is concerned, he submitted that the petitioner is strictly complying with the condition imposed by this Court till date without any default. Due to the condition imposed, the petitioner is



unable to go for any permanent job. Thus he prayed for relaxing the condition imposed on the petitioner in Crl.M.P.No.4717 of 2022 in Crl.O.P.No.4507 of 2018 that he should appear before the respondent police on every first Monday of the month, till the charge sheet is filed.

6. When the matter is taken up for hearing, the learned Govt. Advocate (crl.side) submitted that charge sheet has not been filed as on date.

7. On perusal of records, it is seen that this court on 08.04.2022, modified the condition imposed on the petitioner to the effect that he shall appear before the respondent police for four Mondays, i.e., on 11.04.2022, 18.04.2022, 25.04.2022 and 02.05.2022, thereafter, in the event of the respondent police not filing the charge sheet, he has to appear before the respondent police on every first Monday of the month till the charge sheet is filed. As per the submission of the learned Govt. Advocate (crl.side), charge sheet is not yet filed. The petitioner has to comply with the conditions strictly till the filing of charge sheet. In view of the above, I find no merits in these petitions. Therefore, these petitions are dismissed.

21.08.2023

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