



Crl.OP.No.25945 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.25945 of 2023

R.Mithun Raj

... Petitioner

Vs.

The State, rep by
The Inspector of Police,
V-7, Nolambur Police Station,
Chennai.
(Crime No.53 of 2023)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the condition (iii) The petitioners are directed to appear before the respondent police station at 10.30 a.m. for 30 days in Crl.MP.No.2113 of 2023 dated 09.06.2023 by the learned Judicial Magistrate, Ambattur.

For Petitioner : Mr.M.Dhivakar

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner herein was arrested on 17.03.2023 under Sections 341, 294b, 336, 427, 397. 506(ii) of IPC in Cr.No.53 of 2023 was granted statutory bail under Section 167(2) of Cr.P.C vide order dated 09.06.2023.

2. While granting bail, the Court below has directed the petitioner herein to report before the respondent police at 10.30 a.m for a period of 30 days. The petitioner who was by the time detained under Act 14 of 1982. Even after furnishing the surety was not able to enjoy the liberty immediately. He is now before this Court stating that the condition to report before Investigating Officer daily at 10.30 a.m., for 30 days is a onerous condition and therefore the same has to be modified.

3. Referring the judgement of the Hon'ble Supreme Court rendered in *Saravanan Vs State represented by the Inspector of Police* in Criminal Appeal .Nos.681 to 682 of 2020 dated 15.10.2020, the counsel contended in a case of default bail the condition to deposit Rs.8,00,000/- in to the credit of Cr.No.31 of 2019 and to report before the concerned police daily at 10.30 a.m., until further orders for interrogation was



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modified to the effect that the condition to deposit Rs.8,00,000/- cannot be imposed while granting default bail unlike considering the regular bail application under Section 437 of Cr.P.C.

4. Incidentally, the Hon'ble Supreme Court also modified the condition to report before the concerned police daily until further orders. As an harsh condition instead directed the accused to cooperate with the investigating Officer had been present before the concerned police station for investigation as and when called for and on breach the investigating officer can approach the concerned court for cancellation of bail on the breach of condition. This judgment is applicable to the said facts of the case and there is no bar to impose reasonable condition on the accused who is granted default bail.

5. In this case, it appears that though the petitioner was released from prison long back he had conveniently staying away from reporting before the Investigating Officer as per the bail condition. This squarely attracts the offence under Section 229 A of IPC. However, to enable the petitioner herein to cooperate with the investigation is directed to comply the condition imposed by the Court while granting bail by cooperating



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with the investigation and reporting before the Investigating Officer daily
for the next 30 days starting from 23.11.2023.

6. With the above directions, this Criminal Original Petition is
disposed of.

Vv

21.11.2023

To

1. The Judicial Magistrate,
Ambattur.
2. The Inspector of Police,
V-7, Nolambur Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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