



Crl.O.P.(MD).No.2882 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

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1.Palanisamy
2.Marimuthu
3.Nagaraj

...Petitioners/A1 to A3

Vs.

The State Rep. by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.34 of 2023

...Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 439(1)(b) r/w 482 of the Cr.P.C., to modify the conditions 1 and 2 imposed made in Crl.M.P.No.399 of 2023, dated 30.01.2023 by the learned Principal Sessions Judge, Dindigul.

For Petitioners : Mr.G.M.Xavier

For Respondent : Mr.T.Senthilkumar

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the conditions 1 and 2 imposed by the learned Principal Sessions Judge, Dindigul in Crl.M.P.No.399 of 2023, dated 30.01.2023.



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2.The case of the prosecution is that on 18.01.2023 at about 01.30 p.m., the de-facto complainant was fencing his land, at that time, the accused unlawfully assembled with deadly weapon, abused the de-facto complainant in filthy language, attacked him and damaged the fence to the tune of Rs.22,500/- and also threatened him with dire consequences. Hence, the case.

3.It is seen that the trial Court by order dated 30.01.2023 had granted anticipatory bail on condition that the petitioners were directed to deposit Rs.5,625/- each before the Additional District Munsif cum Judicial Magistrate Court, Veda sandur to the credit of Crime No.34 of 2023 on the file of the respondent police and further directed the petitioners, in the event of arrest by the respondent police or their surrender before the learned Additional District Munsif-cum-Judicial Magistrate, Veda sandur within 15 days from the date of that order, be released on bail on executing each a bond along with two sureties each for a likesum of Rs.15,000/- to the satisfaction of the learned Additional District Munsif cum Judicial Magistrate, Veda sandur and further



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directed the petitioners to appear before the respondent police daily at 10.00 a.m., for a period of 30 days. Challenging the above said order, the petitioners have filed the present petition before this Court.

4.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complainant has been given by the de-facto complainant. He would further submit that A1 is an agricultural coolie and that the petitioners are ready to appear before the learned Judicial Magistrate concerned and execute the bond, but due to inability, they are not in a position to appear before the respondent police to comply with the above said condition. Hence, the petitioners have filed the present petition with the above said prayer.

5.The learned Government Advocate (Crl. side) would submit that the conditions imposed by the trial Court are reasonable and hence, he would object for allowing this petition.

6.Heard. Perused the materials available on record.



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7.Taking into consideration the facts and the submissions, the condition No.3 imposed by the learned Principal Sessions Judge, Dindigul in Crl.M.P.No.399 of 2023, dated 30.01.2023 is modified to the effect that “the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m. until further orders. All other conditions in the said order dated 30.01.2023 shall remain unaltered.

8.With the above modification, this Criminal Original Petition is partly allowed.

14.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal Sessions Judge, Dindigul.
- 2.The Additional District Munsif cum Judicial Magistrate Court,
Vedasandur.
- 3.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D. JAGADISH CHANDIRA, J.

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