



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/03/2023

CORAM

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5182 of 2023

S. Daanu

... Petitioner/Accused

Vs

The Inspector of Police,
Eathamozhi Police Station,
Kanyakumari District.
Crime No.79 of 2022..

... Respondent/Complainant

PRAYER :-

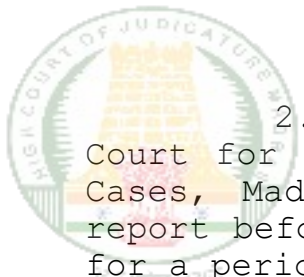
This Criminal Original Petition has been filed under section 439 (1)(b) r/w. 482 of Cr.P.C to call for the records in CrI M.P No. 445 of 2023 dated 22.02.2023 on the file of the Principal Special court for Trial of Narcotic Drugs and psychotropic substances Act cases, Madurai and set aside the same and relax the condition imposed on the petitioner in para no.6 in Cr.M.P. No.24 of 2023 dated 07.01.2023 on the file of the Principal Special Court for trial of Narcotics Drugs and Psychotropic Substances Act Cases, Madurai.

For Petitioner : M/s.A.Mohamed Hashim
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for the records in CrI M.P No. 445 of 2023 dated 22.02.2023 on the file of the Principal Special court for Trial of Narcotic Drugs and psychotropic substances Act cases, Madurai and set aside the same and relax the condition imposed on the petitioner in para no.6 in Cr.M.P. No.24 of 2023 dated 07.01.2023 on the file of the Principal Special Court for trial of Narcotics Drugs and Psychotropic Substances Act Cases, Madurai.



2. The petitioner was granted bail by the Principal Special Court for trial of Narcotics Drugs and Psychotropic Substances Act Cases, Madurai in Cr.M.P. No. 3091 of 2022 with a condition to report before the respondent police daily at 10.00 am and 5.00 pm., for a period of thirty days and thereafter he shall appear and sign before the Court at 10.00 am., once in two month on the 2nd working day of English Calendar month until charge sheet is filed. The petitioner was complying with the conditions imposed by the Court and unable to bear the custodial torture the petitioner has filed a petition in Crl.M.P. No. 24 of 2023 seeking modification of the said condition. The said petition was allowed and the petitioner was directed to appear and sign before the Alandur Judicial Magistrate Court, Chennai at 10.00 am., for a period of 30 days and thereafter he shall appear and sign before the Court once in a three months on the 5th working day of English Calendar Month until charge sheet is filed. He would further submit that after complying the conditions for 10 days the petitioner has filed an application for modification of the said condition and the same was dismissed. He would further submit that the petitioner was under severe trauma and he was admitted in a hospital by a psychiatric doctor, hence he is unable to comply with the conditions. Therefore he seeks modification of the said condition.

3. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

4. Taking into consideration the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner the condition imposed by the Principal Special court for Trial of Narcotic Drugs and psychotropic substances Act cases, Madurai in Crl M.P No. 445 of 2023 dated 22.02.2023 is set aside and the condition imposed on the petitioner in para no.6 in Cr.M.P. No.24 of 2023 dated 07.01.2023 on the file of the Principal Special Court for trial of Narcotics Drugs and Psychotropic Substances Act Cases, Madurai is fully relaxed and the petitioner is directed to appear before the respondent police as and when required for interrogation. All other conditions imposed in the said order shall remain unaltered.

Sd/-

Assistant Registrar()

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

AAV



TO

1. The Judicial Magistrate, Alandhur, Chennai

2. The Principal Special court for
Trial of Narcotic Drugs and
psychotropic substances Act cases, Madurai

3. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.A.Mohamed Hashim, Advocate, SR.No. 4601

CRL OP(MD) No.5182 of 2023

Date : 20/03/2023

KB(30.03.2023) 3P 6C