



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2023

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.6157 of 2023

WEB COPY

1.Michael Densing

2.Justin Raja

3.P.Anto Tittus

... Petitioners/Accused No.2,3&5

Vs.

The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
(In Crime No.25 of 2023)

... Respondents/Complainant

PRAYER : Criminal Original Petition filed under Section 439(1)(B) of the Criminal Procedure Code, to modify the condition that the petitioners shall appear and sign before the learned Judicial Magistrate, Valliyoor daily twice at 10.30 AM and 5.00 PM., until further orders imposed on the petitioners in Cr.M.P.No.1644 of 2023 dated 23.03.2023 by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crime No.25 of 2023 on the file of the respondent Police.

For Petitioners : Mr.K.Balamuruganantham, Advocate

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

ORDER

This Criminal Original Petition has been filed to modify the condition that the petitioners shall appear and sign before the learned Judicial Magistrate, Valliyoor daily twice at 10.30 AM and 5.00 PM., until further orders imposed on the petitioners in Cr.M.P.No.1644 of 2023 dated 23.03.2023 by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crime No.25 of 2023 on the file of the respondent Police.

2.The petitioners are accused in Cr.No.25 of 2023 for the offence punishable under Sections 147, 294(b), 323, 506(2) and 114 IPC. They had filed a petition for anticipatory bail in Cr.M.P.No.1644 of 2023 before the learned Principal Sessions Judge, Kanyakumari District at Nagercoil. The Court below after considering the facts and circumstances of the case, granted anticipatory bail to the petitioners on conditions that they should



appear and sign before the learned Judicial Magistrate, or daily twice at 10.30 AM and 5.00 PM., until further orders. To modify the said condition, the petitioners filed the present petition.

3.The learned counsel appearing for the petitioners would submit that a counter case also pending against the defacto complainant in Cr.No.24 of 2023 for the very same occurrence and the Court below while granting anticipatory bail to the defacto complainant and others, imposed the same condition, which will lead to another unwanted problem. Hence, he prayed for modification of the above said condition.

4.Considering the above submission, the condition imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Cr.M.P.No.1644 of 2023 dated 23.03.2023 is modified to the effect that the petitioners shall report before the respondent police daily twice at 10.30 am., and 05.00 pm., for a period of four weeks and thereafter, as and when required. Accordingly, this criminal original petition is allowed.

sd/-

05/04/2023

/ TRUE COPY /

/04/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

1.THE PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

2.THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.BALAMURGANANTHAM, Advocate (SR-5472[I] dated
05/04/2023)

ORDER

IN

CRL OP(MD) No.6157 of 2023

Date :05/04/2023

RK/MMS/SAR-4 (24/04/2023) 2P/5C

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