



Crl.O.P.(MD)Nos.13407 & 13408 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD) Nos.13407 & 13408 of 2023

Crl.O.P.(MD).No.13407 of 2023

- 1.Selvin
- 2.Sekar @ Kathi Sekar
- 3.Iruthayadhas @ Eruthayadhas
- 4.Messia Dhas @ Mesiyadhas
- 5.Shajin
- 6.Elden @ Eldan
- 7.Aji @ Verjin Selvakumari @ Verjin Selva Kumari
- 8.Rejila @ Rejila Thanja Kumari
- 9.Anisha @ Anisha Rajan
- 10.Sheela
- 11.Karleenal ... Petitioners/Accused Nos.4 to 14

Vs.

- 1.The Sub Inspector of Police,
Karungal Police Station,
Crime No.194 of 2023,
Karungal Police Station,
Rep. by P.P.Nagercoil. ... 1st Respondent/Respondent

- 2.Amirtha George ... 2nd Respondent/Defacto Complainant

(2nd Respondent has been impleaded as per the order of this Court dated 26.07.2023 passed in Crl.M.P.(MD).No.10729 of 2023)



Crl.O.P.(MD)Nos.13407 & 13408 of 2023

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to modify the condition No.2 imposed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil in Crl.M.P.No.3428 of 2023, dated 04.07.2023.

For Petitioners : Mr.M.R.Sreenivasan
For R1 : Mr.R.Suresh Kumar
Government Advocate (Crl. Side)
For R2 : Mr.N.Dilip Kumar

Crl.O.P.(MD).No.13408 of 2023

1.R.Heldon Selva Kumar
2.S.Jacob Selva Rajan
3.M.Rajan
4.Anoob
5.V.Alwin Vincent ... Petitioners/Accused Nos.1,2,3,15 & 16

Vs.

1.The Sub Inspector of Police,
Karungal Police Station,
Crime No.194 of 2023,
Karungal Police Station,
Rep. by P.P.Nagercoil. ... 1st Respondent/Respondent

2.Amirtha George ... 2nd Respondent/Defacto Complainant

(2nd Respondent has been impleaded as per the order of this Court dated 26.07.2023 passed in Crl.M.P.(MD).No.10728 of 2023)

PRAYER: Criminal Original Petition is filed under Section 482 of



CrI.O.P.(MD)Nos.13407 & 13408 of 2023

Cr.P.C, to modify the condition No.2 imposed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil in CrI.M.P.No.3364 of 2023, dated 04.07.2023.

For Petitioners : Mr.M.R.Sreenivasan
For R1 : Mr.R.Suresh Kumar
Government Advocate (CrI. Side)
For R2 : Mr.N.Dilip Kumar

COMMON ORDER

These petitions have been filed to modify the condition No.2 imposed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil in CrI.M.P.Nos.3428 & 3364 of 2023, dated 04.07.2023.

2.The petitioners are the accused persons in Crime No.194 of 2023 on the file of the respondent police for the offences punishable under Sections 147, 148, 447, 427, 294(b), 324, 323 and 506(ii) of IPC.

3.While granting anticipatory bail in the above said crime number, vide common order, dated 04.07.2023 in CrI.M.P.(MD).Nos.3428 & 3364 of 2023, the trial Court imposed condition upon the petitioners to the effect that they shall appear and sign before the learned Judicial Magistrate No.II, Thenkasi, daily twice at 10.30 a.m. and 05.00 p.m.,



until further orders as condition No.2.

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4. Seeking modification of the above said condition No.2, these petitions have been filed stating that since the first accused in this case is a handicapped person and so also he is a practising Doctor and some of the petitioners are being ladies, they are unable to comply the above said condition. Hence, requested to direct the petitioners to comply the condition before the respondent police.

5. While granting the anticipatory bail, it was not brought to the knowledge of the trial Court. But by taking into account all these things only, the trial Court has imposed the above said condition.

6. The grievance of the defacto complainant is that in respect of failure that has been suffered by the petitioners before the civil Court, now they are making trouble to their possession and made strong objection. He would further submit that the petitioners may be directed to file undertaking affidavit that they must be abide by the civil Court decree.



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7.Considering the submissions made on either side, this Court is inclined to modify the condition No.2 imposed by the trial Court only in respect of the first accused alone, considering his physical condition and not inclined to modify in respect of other petitioners.

8.Accordingly, the criminal original petition in Crl.O.P.(MD).No. 13408 of 2023 is allowed only in respect of the first petitioner/first accused alone and dismissed in respect of other petitioners and Criminal original petition in Crl.O.P.(MD).No.13407 of 2023 is dismissed. Thereby, the condition No.2, imposed by the trial Court is modified to the effect that 'the first accused namely R.Heldon Selva Kumar, shall appear before the respondent police as and when required. The other conditions remain unchanged. Other petitioners must comply the conditions imposed by the trial Court.

26.07.2023

Index : Yes/No
Internet : Yes/No
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To

- 1.The Principal Sessions Judge, Kanniyakumari District at Nagercoil.
- 2.The Sub Inspector of Police,
Karungal Police Station, Kanniyakumari District.



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G.ILANGOVA. J.

TM

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

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26.07.2023