



CrI.O.P.(MD)No.15975 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.(MD)No.15975 of 2023

Ahil

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.322 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition No.2 imposed upon the petitioner in CrI.M.P.No.4357 of 2023 dated 17.08.2023 passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil.

For Petitioner : Mr.G.Aravinthan

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the condition No.2 imposed by the learned Principal Sessions Judge,



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Kanyakumari District at Nagercoil in Crl.M.P.No.4357 of 2023
dated 17.08.2023.

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2.The learned counsel appearing for the petitioner would contend that the petitioner was granted anticipatory bail by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.4357 of 2023 dated 17.08.2023 with a condition to stay at Aruppukottai, appear and sign before the learned Judicial Magistrate, Aruppukottai daily twice at 10.30 am., and 5.00 pm., until further orders. The learned counsel would further submit that the petitioner is the sole bread winner of the family and there is some difficulty in complying with the conditions. Hence, the petitioner filed the present petition to modify the above said condition.

3.The learned Additional Public Prosecutor appearing for the respondent did not raise any serious objection for modifying the condition.

4.Heard both sides and perused the materials available in the records.



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5.Considering the representations made by both sides and considering that the condition imposed by the trial Court is onerous, this Court is inclined to set aside the condition imposed by the trial Court. Accordingly, the condition No.2 imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.4357 of 2023 dated 17.08.2023 is modified to the effect that the petitioner shall report before the concerned jurisdictional Court on all working days at 10.30 am.,until further orders. Further time to execute sureties is extended by two weeks from the date of receipt of a copy of this order. All other conditions remains unaltered.

6.In the result, this Criminal Original Petition is allowed.

01.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
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- 1.The Principal Sessions Judge, Kanyakumari District at Nagercoil
- 2.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

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