



Crl.O.P.(MD)No.17883 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM

THE HON'BLE MR.JUSTICE V. SIVAGNANAM

Crl.O.P.(MD)No.17883 of 2023

1.Swetha

2.K.Balamurugan

... Petitioners/Petitioners

Vs.

State Rep.by
The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
(Crime No.252 of 2023)

... Respondent /Respondent

PRAYER : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition imposed in respect of appear and sign before the respondent daily at 10.30 am., for a period of 15 days from the date of compliance of the order made in Crl.M.P.No.5801 of 2023 dated 19.09.2023 passed by the learned Principal Sessions Judge, Thanjavur.

For Petitioners : Mr.P.Saravanakumar,Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to modify the condition imposed

in respect of appear and sign before the respondent daily at 10.30 am., for a period of

<https://www.mhc.tn.gov.in/judis>



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15 days from the date of compliance of the order made in Crl.M.P.No.5801 of 2023 dated 19.09.2023 passed by the learned Principal Sessions Judge, Thanjavur.

2.The learned counsel appearing for the petitioners would submit that the petitioners herein are accused in Cr.No.252 of 2023, which was registered for the offence under Section 294(b), 420, 468, 474, 506(ii) IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957. Subsequently, they enlarged on anticipatory bail by the learned Principal Sessions Judge, Thanjavur in Crl.M.P.No.5801 of 2023, dated 19.09.2023 on condition that the petitioners should appear and sign before the respondent daily at 10.30 am., for a period of 15 days from the date of compliance of the order. He would further submit that the first petitioner herein is studying BDS course at Dhanalakhmi Srinivasan Dental College, Siruvachur, Perambalur District and the second petitioner is working as a Assistant Headmaster in Government High School, Achampatti, Thanjavur District. Hence, they are unable to comply with the above said condition. Therefore, the petitioners filed the present petition to modify the condition imposed by the Court below.

3.The learned Government Advocate(Crl.side) appearing for the respondent would submit that after considering the nature of offence, the Court below correctly imposed the condition and hence, it does not need interference by this Court. Hence,

he prayed for dismissal of this petition.

<https://www.nhc.tn.gov.in/judis>



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

5.On perusal of records, it is noticed that the Court below, while allowing the anticipatory bail application filed by the petitioners, imposed a condition to appear and sign before the respondent daily at 10.30 am., for a period of 15 days from the date of compliance of the order. Therefore, the petitioners can very well file a modification petition before the trial Court itself. Without availing the same, the petitioners straight away came before this Court. Therefore, this criminal original petition is dismissed with liberty to the petitioners to approach the trial Court.

sd/-
09/10/2023

/ TRUE COPY /

13/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE PRINCIPAL SESIONS JDUGE,
THANJAVUR
- 2 THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT.



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

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-14803[I] dated
09/10/2023)

ORDER
IN
CRL OP(MD) No.17883 of 2023
Date :09/10/2023

PKP/13.10.2023/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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