



Crl.O.P.(MD)No.17911 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.17911 of 2023

Moorthy @ Krishnamoorthy

... Petitioner/Petitioner/
Accused No.9

Vs.

The State rep.by,
The Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.
In Cr.No.136 of 2023

... Respondent/Respondent/
Complainant

PRAYER : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition imposed in Cr.M.P.No.4602 of 2023 dated 05.09.2023 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur for modifying the condition to sign before the respondent police instead of signing before the Judicial Magistrate No.1, Tirunelveli everyday twice at 10.00 am., and 05.00 pm., in connection with Cr.No.136 of 2023 on the file of the respondent police by allowing this criminal original petition.

For Petitioner : Mr.A.Karthigaivel, 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 Cr.M.P.No.4602 of 2023 dated 05.09.2023 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur for modifying the



Crl.O.P.(MD)No.17911 of 2023

WEB COPY

condition to sign before the respondent police instead of signing before the Judicial Magistrate No.1, Tirunelveli everyday twice at 10.00 am., and 05.00 pm., in connection with Cr.No.136 of 2023 on the file of the respondent police by allowing this criminal original petition.

2.The learned counsel appearing for the petitioner would submit that the petitioner herein is an accused in Cr.No.136 of 2023, which was registered for the offence under Sections 147, 148, 294(b), 323, 324, 341, 506(ii) and 307 IPC and Section 4 of TNPHW Act and Section 3 of TNPPDL Act. Subsequently, he was arrested on 19.08.2023 and hence, he filed bail petition before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.4602 of 2023 and the same was allowed on 05.09.2023 with a condition that the petitioner should appear and sign before the Judicial Magistrate No.1, Tirunelveli everyday twice at 10.00 am., and 05.00 pm., until further orders. He would further submit that the Hon'ble Supreme Court categorically time and again held that onerous conditions should not be imposed while considering the bail or anticipatory bail. Therefore, the petitioner filed the present petition to modify the condition imposed by the Court below.



Crl.O.P.(MD)No.17911 of 2023

WEB COPY

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.

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 bail application filed by the petitioners, imposed a condition to appear and sign before the Judicial Magistrate No.1, Tirunelveli everyday twice at 10.00 am., and 05.00 pm., until further orders. Therefore, the petitioner can very well file a modification petition before the trial Court itself. Without availing the same, the petitioner straight away came before this Court. Therefore, this criminal original petition is dismissed with liberty to the petitioner to approach the trial Court.

sd/-
09/10/2023

/ TRUE COPY /

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

gns



Crl.O.P.(MD)No.17911 of 2023

TO

1.THE JUDICIAL MAGISTRATE NO.1, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4.THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.A.KARTHIGAIVEL, Advocate (SR-14814[I] dated 09/10/2023)

ORDER

IN

CRL OP(MD) No.17911 of 2023

Date :09/10/2023

RK/VRS (20/10/2023) 4P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023