



Crl.O.P.(MD)No.17920 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.10.2023

CORAM

THE HON'BLE MR.JUSTICE V. SIVAGNANAM

Crl.O.P.(MD)No.17920 of 2023

1.Ragupathy

2.Singamalam @ Sankar

... Petitioners

Vs.

The Sub Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
Crime No.134 of 2023

... Respondent

PRAYER : Criminal Original Petition filed under Section 439(2) of the Code of Criminal Procedure, to modify the condition imposed in the above Crl.M.P.No.104971 of 2023 dated 27.09.2023 on the file of the learned Principal District and Sessions Judge, Pudukkottai to the effect that the petitioners shall appear before the learned Judicial Magistrate Court at Thirumayam or Inspector of Police, Arimalam Police Station daily at 10.30 am.

For Petitioners : Mr.A.Shajahan

For Respondent : Mr.R.Suresh Kumar,



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Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to modify the condition imposed in the above Crl.M.P.No.104971 of 2023 dated 27.09.2023 on the file of the learned Principal District and Sessions Judge, Pudukkottai to the effect that the petitioners shall appear before the learned Judicial Magistrate Court at Thirumayam or Inspector of Police, Arimalam Police Station daily at 10.30 am.

2.The learned counsel appearing for the petitioners would submit that the petitioners herein are accused in Cr.No.134 of 2023, which was registered for the offence under Section 379 IPC r/w Sections 21(i) 21(ii) of the Mines and Minerals (Development & Regulation) Act. They have arrested on 24.09.2023 and hence, they filed bail petition before the learned Principal District and Sessions Judge, Pudukkottai in Crl.M.P.No.104971 of 2023. The said application was ordered on 27.09.2023 with a condition that the petitioners should report before the learned Sessions Judge, POCSO Court, Srivilliputhur daily at 10.30. am.,



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for a period of one month. He would further submit that the petitioners herein are drivers and the first petitioner is a resident of Nattuseri, Karaikudi Taluk, Sivagangai District and the second petitioner is a resident of Unaiyar. Therefore, they have to travel a long distance and also they have to spend huge amount for travel expenses. 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.

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



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to report before the learned Sessions Judge, POCSO Court, Srivilliputhur daily at 10.30. am., for a period of one month. 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.

09.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 09.10.2023



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To

- 1.The Principal District and Sessions Judge,
Pudukkottai.
- 2.The Sub Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V. SIVAGNANAM,J.

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