



Crl.O.P.(MD)No.17904 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.17904 of 2023

1.Sakthivel

2.Chandasekar

3.Dhanalakshmi

4.Seethalakshmi

... Petitioners/ Accused No.1 to 4

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
(Crime No.7 of 2023)

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition No.3 imposed in Crl.M.P.No.4167 of 2023 dated 21.09.2023 on the file of the learned Principal Sessions Judge, Sivagangai.

For Petitioners : Mr.S.Pandiyaraj, Advocate

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



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ORDER

This Criminal Original Petition has been filed to modify the condition No.3 imposed in Crl.M.P.No.4167 of 2023 dated 21.09.2023 on the file of the learned Principal Sessions Judge, Sivagangai.

2.The learned counsel appearing for the petitioners would submit that the petitioners herein are accused in Cr.No.7 of 2023, which was registered for the offence under Section 498(A), 406 and 506(i) IPC. Subsequently, they enlarged on anticipatory bail by the learned Principal Sessions Judge, Sivagangai in Crl.M.P.No.4167 of 2023, dated 21.09.2023 on condition that the petitioners should report and sign before the respondent police daily at 10.00 am., for a period of one month from the date of their release or until further orders which ever is earlier. He would further submit that the petitioners are residing in Trichy District and they have to travel more than 125 km as well as more than 2 ½ hours. The 2nd and 3rd petitioners are having health problem and hence, they are unable to travel long distance. The first petitioner is doing goldsmith work and he is the sole bread-winner of the family and the fourth petitioner is the sister of the first petitioner. 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.



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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 anticipatory bail application filed by the petitioners, imposed a condition to report and sign before the respondent police daily at 10.00 am., for a period of one month from the date of their release or until further orders which ever is earlier. 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

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



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To
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- 1.The Principal Sessions Judge,
Sivagangai.
- 2.The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.17904 of 2023
Date :09/10/2023

SSA/JGB/25.10.2023/4P/4C

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