



Crl.O.P.(MD)No.19431 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2023

CORAM

THE HON'BLE MR.JUSTICE V. SIVAGNANAM

Crl.O.P.(MD)No.19431 of 2023

1.Krishnaveni

2.Mookammal

3.Chandhiran

... Petitioners/Petitioners

Vs.

The Sub-Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
In Crime No.263 of 2023

... Respondent/Respondent

PRAYER : Criminal Original Petition filed under Section 439(1)(b) &482 of the Code of Criminal Procedure, to modify the condition No.II imposed by the court of Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P.No.5300 of 2023 on 10.10.2023 and permit the petitioners/ A1 to A3 to appear before the respondent police daily or as and when required.

For Petitioners : Mr.M.Jothi Basu,Advocate

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

ORDER

This Criminal Original Petition has been filed to modify the condition No.II
<https://www.mhc.tn.gov.in/judis>



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imposed by the court of Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P.No.5300 of 2023 on 10.10.2023 and permit the petitioners/A1 to A3 to appear before the respondent police daily or as and when required.

2.The learned counsel appearing for the petitioners would submit that the petitioners herein are accused in Cr.No.263 of 2023 , which was registered for the offence under Section 448, 294(b), 323, 506(i) IPC. Subsequently, they enlarged on anticipatory bail by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P.No.5300 of 2023, dated 10.10.2023 on condition that the petitioners should report before SHO, Kanyakumari Police Station everyday twice at 10.00 am., and 05.00 pm., until further orders. He would further submit that the petitioners are residing in Virudhunagar District and they have to travel more than 500 kms and hence, they are unable to travel long distance. 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

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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 before SHO, Kanyakumari Police Station everyday twice at 10.00 am., and 05.00 pm., until further orders. Therefore, the petitioners can very well file a modification petition before the Court below 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 Court below.

sd/-
08/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



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TO

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR
- 2 THE SUB INSPECTOR OF POLICE
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE STATION HOUSE OFFICER,
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.

ORDER
IN

CRL OP(MD) No.19431 of 2023
Date :08/12/2023

PKP/DD/SAR- /04.01.2024/ 4P/ 5C
Madurai Bench of Madras High Court is issuing certified
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