



Crl.O.P.(MD)No.19380 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2023

CORAM

THE HON'BLE MR.JUSTICE V. SIVAGNANAM

Crl.O.P.(MD)No.19380 of 2023

C.Nadarajan

... Petitioner/Petitioner/
Sole Accused

Vs.

The State rep.by,
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.373 of 2023

... Respondent/Respondent/
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the condition No.2 imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, insofar as the condition that the petitioner shall stay at Madurai, appear and sign before the Judicial Magistrate No.IV, Madurai daily twice at 10.30 am., and 5.00 pm., until further orders in Cr.M.P.No.5666 of 2023 dated 16.10.2023.

For Petitioner : Mr.R.Pon Karthikeyan, Advocate

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

ORDER

This Criminal Original Petition has been filed to set aside the condition No.2 imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, insofar as the condition that the petitioner shall stay at Madurai, appear and sign before the Judicial Magistrate No.IV, Madurai daily twice at 10.30 am., and 5.00 pm.,



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until further orders in Cr.M.P.No.5666 of 2023 dated 16.10.2023.

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2.The learned counsel appearing for the petitioner would submit that the petitioner is an accused in Cr.No.373 of 2023, which was registered for the offence under Sections 294(b), 324, 506(ii) IPC. Hence, the petitioner filed a petition before the Court below in Cr.M.P.No.5666 of 2023 for anticipatory bail and the same was ordered on condition that the petitioner should stay at Madurai and appear and sign before the Judicial Magistrate No.IV, Madurai daily twice at 10.30 am., and 05.00 pm., until further orders. He would further submit that the petitioner is a resident of Kanyakumari District and he is running a sound service shop and hence, he is unable to comply with the above said condition. Therefore, the petitioner filed the present petition to modify the said condition.

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.



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5.On perusal of records, it is noticed that the Court below, while allowing the anticipatory bail application filed by the petitioner, imposed a condition that the petitioner should stay at Madurai and appear and sign before the Judicial Magistrate No.IV, Madurai daily twice at 10.30 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 petitioners to approach the trial Court.

sd/-
30/10/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

To

- 1.The Principal Sessions Judge,
Kanyakumari District at Nagercoil.
- 2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.19380 of 2023
Date :30/10/2023

RK/JGB (17/11/2023) 4P /4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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