



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.M.P.No.16271 of 2024

in

Crl.O.P.No.19088 of 2024

1. Sitheswaran

2. Santhosh

3. Mallika

... Petitioners

Vs

1. The State represented by
The Deputy Superintendent of Police,
Bhavani,
Erode District.

2. The Inspector of Police,
Bhavani Police Station,
Erode District.

3. Gowrishankar

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to relax the condition imposed in Crl.O.P.No.19088 of 2024 dated 09.09.2024 that "report before the second respondent police on every Monday until further orders"



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For Petitioner : Mr.J.Ranjith Kumar
For R1 & R2 : Mr.S.Sugendran
Additional Public Prosecutor
For R3 : Mr.Eswar

ORDER

This Criminal Miscellaneous Petition has been filed to relax the condition imposed in CrI.O.P.No.19088 of 2024 dated 09.09.2024 that "report before the second respondent police on every Monday until further orders"

2. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents/police and the learned counsel for the private respondent and perused the materials available on record.

3. While disposing the CrI.O.P.No.19088 of 2024 on 09.09.2024, this Court imposed certain conditions which reads as follows:



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"4. Taking into consideration the objections and the course of investigation conducted so far, this Court directs the petitioners herein to surrender before the Special Court for SC/ST offences at Erode and execute a bond for a sum of Rs.50,000/- each with two sureties, each for a like sum to the satisfaction of the Principal District and Sessions Court for SC/ST cases, Erode and report before the second respondent police on every Monday until further orders and co-operate with the investigation."

4. Thereafter, the petitioners herein have filed the petition to relax the condition imposed by this Court. When the matter came up for hearing on 21.11.2024, this Court directed the learned Magistrate to file a status report with the regard to the case in Crime No.403 of 2024. On a perusal of the report filed by the learned Principal District Judge, Erode, it is seen that after completion of investigation, charge sheet has been filed and the same was taken on file as Special S.C.No.25 of 2024 on the file of the Special Court under SC/ST (POA) Act, 1989, Erode.



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5. Since the matter is pending before the Special Court, this Court is not inclined to relax the abovesaid condition. Hence, the Criminal Miscellaneous Petition is dismissed. However, the petitioners are at liberty to workout their remedy in the manner known to law before the trial court.

11.12.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

1. The State represented by
The Deputy Superintendent of Police,
Bhavani,
Erode District.
2. The Inspector of Police,
Bhavani Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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