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Crl.O.P.No.29872 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29872 of 2024

1.Jaison Mathew

2.Manikanta

... Petitioners

Vs.

State by Tamil Nadu Rep. by,
Inspector of Police,
Kelambakkam Police Station,
Chengalpattu- 603103.
(Crime No.289 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS Act, pleaded to set aside the order passed in Crl.M.P.No.3512 of 2024 in Cr.No.289 of 2024 dated 19.11.2024 passed by the Principal District and Sessions Judge, Chengalpattu.

For Petitioners : M/s.J.Selva Princy Ebenezer

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This petition has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Chengalpattu in Crl.M.P.No.3512 of 2024, dated 19.11.2024.

2. Learned counsel appearing for the petitioners would submit that the petitioners were granted bail by the learned Principal District & Sessions



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Judge, Chengalpattu in Crl.M.P.No.3261 of 2024, dated 29.10.2024. He would submit that petitioners are regularly appearing for trial proceedings before the learned judge and also complying the conditions without fail. He would submit that first petitioner had met with an accident and suffered injury in his right hand and second petitioner has fallen down from steps and injury in his left hand, further they are staying in Bangalore, due to which, they were not able to travel from long distance. He would submit that, the petitioners filed relaxation petition in Crl.M.P.No.3392 of 2024 and same was also modified. He would submit that, the petitioners filed second relaxation petition in Crl.M.P.No.3512 of 2024, which was dismissed on 19.11.2024. He would submit that the petitioners are almost in custody for 30 days and 15 more days in Chengalpattu Court and therefore, filed this petition to set aside the order dated 19.11.2024 in Crl.M.P.No.3512 of 2024, passed by the learned Principal District and Sessions Judge, Chengalpattu.

3. Learned Government Advocate (Crl.Side) appearing for the respondent would submit that, the investigation has been completed and final report has been filed before the learned Judicial Magistrate, Thiruporur and taken up in C.C.No.149 of 2024, and stands posted on 10.12.2024.



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4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

5. Considering the above facts and circumstances of the case, the fact that investigation has been completed and the final report has been filed and the case is pending before the Judicial Magistrate, Thiruporur in C.C.No.149 of 2024, this Court is inclined to modify the condition to the effect that “the petitioner shall appear before the learned Judicial Magistrate, Thiruporur on 10.12.2024 and thereafter, on the date fixed by the learned Magistrate”. It is made clear that all other conditions shall remain unaltered.

6. With the above modification, this Criminal Original Petition stands modified.

03.12.2024

dsn

A.D.JAGADISH CHANDIRA.,J.



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dsn

To

1. The Principal District and Sessions Judge, Chengalpattu.
2. The Judicial Magistrate, Thiruporur.
3. The Inspector of Police,
Kelambakkam Police Station,
Chengalpattu- 603103.
4. The Public Prosecutor,
High Court of Madras.

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