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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.141 of 2024
and Crl.M.P.No.124 of 2024

1.Saravanan S/o. Padakaathu
2.Padakaathu S/o. Arasan

...Petitioners/Accused

Vs.

The State rep by
The Sub-inspector of Police,
Kunnam Police Station,
(Crime No.421 of 2023)

...Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to set aside the impugned order dated 07.12.2023 made in Crl.M.P.No.2786 of 2023 on the file of the Principal District and Sessions Court, Perambalur.

For Petitioners : Mr.R.Prabakar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed for relaxation of condition imposed while granting anticipatory bail to the petitioners.

2.The petitioners apprehended arrest by the respondent police in the course of investigation in Crime No.421 of 2023. Hence, they filed an anticipatory bail petition in CrI.M.P.No.2580 of 2023. Considering the facts and circumstances of the case and also the fact that the victim was already discharged from the hospital, anticipatory bail was granted. One of the condition that was imposed was that the petitioners must appear before the respondent police daily at 10.30 a.m., until further orders.

3.The petitioners thereafter filed an application for relaxing the condition in CrI.M.P.No.2786 of 2023. This application was dismissed by the Court below by an order dated 07.12.2023. The Court below had also directed the respondent police to secure the petitioners and remand them



to jail. Aggrieved of the same, the present petition has been filed before this Court.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

5. The learned counsel for the petitioners submitted that the petitioners had complied with the condition from 07.11.2023 to 15.11.2023 and thereafter from 28.11.2023 to 03.12.2023. Since the 2nd petitioner was suffering from heart ailment and had undergone Angio Plastic, he was not in a position to report before the respondent police and the 1st petitioner had to take care of the 2nd petitioner to take him for treatment at Chennai.

6. The learned Additional Public Prosecutor submitted that the petitioners did not comply with the condition that was imposed by the Court below and they had appeared before the respondent police in two breaks and they did not consistently appear and co-operate during the



investigation. The learned Additional Public Prosecutor further submitted that in view of the non-compliance of the condition, the petitioners are not entitled for any relaxation of condition.

7. Taking into consideration the facts and circumstances of the case and also the nature of allegations that have been made against the petitioners and in view of the pendency of the investigation, the petitioners are directed to report before the respondent police every Monday and Friday at 5.30 p.m., for a period of four weeks. Thereafter, they shall appear as and when required by the respondent police. To that extent, the condition imposed by the Court below is modified.

8. This Criminal Original Petition is disposed of with the above directions. Consequently, connected Criminal Miscellaneous Petition is closed.

05.01.2024

Index: Yes/No
Internet: Yes/No
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To

- 1.The Principal District and Sessions Court, Perambalur.
2. The Sub-inspector of Police,
Kunnam Police Station,
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH.J.,

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