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Crl.O.P.No.30541 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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

Crl.O.P.No.30541 of 2024

Brammamoorthy @ Moorthy

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
(Crime No.213 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483(1)(b) of BNSS, pleaded to modify the condition imposed by the Principal District Judge at Salem, vide order dated 20.11.2024 as this petitioner is directed to appear and sign before the Judicial Magistrate No.II, Sankari daily at 10.00 a.m. on all working days for a period of one month and thereafter another one month weekly once sign before the said Judicial Magistrate No.II, Sankari.

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

ORDER

This Petition has been filed to modify the condition imposed by the



Crl.O.P.No.30541 of 2024

Principal District Judge at Salem, vide order dated 20.11.2024 as this petitioner is directed to appear and sign before the Judicial Magistrate No.II, Sankari daily at 10.00 a.m. on all working days for a period of one month and thereafter another one month weekly once sign before the said Judicial Magistrate No.II, Sankari.

2.The learned counsel appearing for the petitioner would submit that the petitioner is an accused in Crime No.213 of 2024 registered by the respondent police. The petitioner had applied for bail in Crl.M.P.No.2112 of 2024 and the same was granted on 13.08.2024 with a condition that the petitioner shall executing a bond for a sum of Rs.10,000/- along with two sureties for the like sum to the satisfaction of the Judicial Magistrate No.II, Sankari. The petitioner was directed to appear and sign before the Judicial Magistrate No.II, Sankari daily at 10.00 a.m., on all working days for a period of one month and thereafter another one month weekly once sign before the above said Magistrate. He would further submit that in this situation the petitioner was arrested in another case in Crime No.310 of 2024 of Sevapet Police Station on 02.09.2024, then the petitioner approached the Hon'ble High Court of Madras and filed a bail petition in Crl.O.P.No.24873 of 2024 and this Court granted bail to the petitioner on 14.10.2024, with a condition that the



Crl.O.P.No.30541 of 2024

petitioner to appear and sign before the Judicial Magistrate No.III, Salem daily at 10.00 a.m., except holidays for a period of 30 days. The petitioner is complying the said condition from 19.10.2024 till today. The petitioner has moved a modification petition before the learned Principal Sessions Judge at Salem in Crl.M.P.No.3039 of 2024 and the learned Principal Sessions Judge at Salem dismissed the said petition on 20.11.2024. He would further submit that the respondent police falsely implicated the petitioner name in several cases without conducting any proper enquiry and a case in Crime No.265 of 2024 has been registered by the respondent police against the petitioner. For which the petitioner has filed a bail petition before the learned Judicial Magistrate No.II, Sankari in Crl.M.P.No.2136 of 2024 and the learned Judicial Magistrate No.II, Sankari vide order dated 01.10.2024 granted bail to the petitioner with a condition that the petitioner shall appear before the Judicial Magistrate No.II, Sankari daily at 02.00 p.m. And 05.00 p.m., until further orders. Hence the petitioner moved this modification petition.

3.The learned Government Advocate (Crl.Side) appearing for the respondent opposed for modifying the condition.

4.Heard the learned counsel for the petitioner and the learned



Crl.O.P.No.30541 of 2024

Government Advocate (Crl.Side) and perused the materials available on
record.

5.Taking into consideration of the facts that the learned Judicial Magistrate had imposed two different conditions in respect of the cases registered by one and the same police station. Hence, the petitioner is unable to comply with the conditions. In view of the same, the condition imposed by the Principal District Judge at Salem, vide order dated 20.11.2024 as this petitioner is directed to appear and sign before the Judicial Magistrate No.II, Sankari daily at 10.00 a.m. on all working days for a period of one month and thereafter another one month weekly once sign before the said Judicial Magistrate No.II, Sankari, is modified. The petitioner is directed to appear before the Judicial Magistrate No.III, Salem every day at 10.30 a.m. for a period two weeks and thereafter to appear on the first working day of every month at 10.30 a.m., until further orders. The Criminal Original Petition is ordered accordingly.

09.12.2024

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To

1.The Principal District Judge at Salem.



CrI.O.P.No.30541 of 2024

2.The Judicial Magistrate No.II, Sankari.

3.The Judicial Magistrate No.III, Salem.

4.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

5.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.30541 of 2024

A.D.JAGADISH CHANDIRA.,J.
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Crl.O.P.No.30541 of 2024

09.12.2024