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Crl.O.P.(MD)No.1466 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.1466 of 2024

1.Joseph Nixon
2.Rathees Kumar
3.Sundar Raj

... Petitioners

Vs.

1.The Sub Inspector of Police,
Kottar Police Station,
2.Vincent Packiyanathan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 439 (1)(b) of Cr.P.C, to modify the condition No.2 imposed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil in Crl.M.P.No.5119 of 2023 dated 25.09.2023 in Cr.No.268 of 2023 directing the petitioners to appear and sign before the first respondent police station daily once at 10.00 A.M instead of condition No.2 as imposed by allowing this petition.

For petitioners
For Respondents

: Mr.K.V.Subramanian
: Mr.P.Kottaichamy
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to modify the second condition imposed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil in Crl.M.P.No.5119 of 2023 dated 25.09.2023 in Cr.No.268 of 2023 directing the petitioners to appear and sign before the first respondent police station daily once at 10.00 A.M instead of condition No.2.

2. Due to property dispute between the petitioners and the defacto complainant, a case in Crime No.268 of 2023 has been registered against the petitioners for the offences under Sections 294(b), 323, 506(i) of IPC and Section 4 of TNPHW Act. Therefore, the petitioners have filed Crl.M.P.No.5119 of 2023 before the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil, seeking anticipatory bail and the same was allowed on 25.09.2023 with the condition that the petitioners appear and sign before the Sub Inspector of Police, Kollencode Police Station, daily at 10.00 a.m and 5.00 p.m until further orders.

3. The learned counsel for the petitioners submitted that the petitioners are working and residing at Kanyakumari District and it is very difficult for him to appear before the Sub Inspector of Police,



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Kollencode Police Station, daily at 10.00 a.m and 5.00 p.m until further orders. He further submitted that the co-accused/A1 has filed a modification petition before this Court in Crl.O.P(MD).No.19341 of 2023 and the same was allowed on 02.01.2024.

4. Considering the above submission made by the learned counsel for the petitioners, the condition No.2 imposed in Crl.M.P.No.5119 of 2023 on the file of the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil dated 25.09.2023 is modified to the effect that the petitioners are directed to appear before the respondent police daily twice at 10.30 a.m and 5.30 p.m., until further orders.

01.02.2024

Index : Yes/No
Internet : Yes/No
tta

To

- 1.The Sub Inspector of Police,
Kottar Police Station.
2. The Principal Sessions Judge,
Kanniyakumari District at Nagercoil
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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