



Crl.O.P.(MD)No.1375 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.1375 of 2024

1.Muniyasamy

2.Madasamy

... Petitioners/ Accused Nos. 1 & 2

Vs.

State Rep. by
The Inspector of Police,
Kulathur Police Station,
Thoothukudi District.
Crime No.90 of 2023

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition in Crl.M.P.No.8072 of 2023, dated 09.01.2024 on the file of the learned Principal Sessions Judge, Thoothukudi and set aside the same with regard to the condition No.(ii) to appear and sign daily at 10.00 a.m., before the Kottar Police Station and to modify the same as to appear before the any Court Madurai District Court Campus or any police station in Madurai District.

For Petitioners : Mr.K.Ranjithkumar,Advocate

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

ORDER

This Criminal Original Petition has been filed to modify the condition in



Crl.O.P.(MD)No.1375 of 2024

Crl.M.P.No.8072 of 2023, dated 09.01.2024 on the file of the learned Principal Sessions Judge, Thoothukudi and set aside the same with regard to the condition No.(ii) to appear and sign daily at 10.00 a.m., before the Kottar Police Station, Nagercoil and to modify the same as to appear before the any Court Madurai District Court Campus or any police station in Madurai District.

2.Originally, the petitioners filed a bail application before the learned Principal Sessions Judge, Thoothukudi in Crl.M.P.No.7805 of 2023 and the Sessions Judge by its order dated 05.12.2023 granted bail to the petitioners on condition to report before the respondent police daily at 10.00 a.m., for a period of one month from the date of their release. Thereafter, the petitioners filed a modification petition in Crl.M.P.No.8072 of 2023 and the trial Court by its order dated 09.01.2024 allowed the petition and modified the condition to appear before the Kottar Police Station, Nagercoil. Against which, the petitioners have filed the present application for modification before this Court.

3.The learned counsel for the petitioners would submit that there is a life threat to the petitioners, if they appear before the Kottar Police Station and hence, this Court may modify the said condition imposed by the Court below.

4.The learned Government Advocate (Crl. side) appearing for the State would submit that initially, the trial Court imposed a condition to appear before the

<https://www.mhc.tn.gov.in/judis>



Crl.O.P.(MD)No.1375 of 2024

respondent police, but the petitioners have not appeared before the respondent police and thereafter, they filed a modification petition before the Court below and the same was modified. After modification of the said condition, the petitioners have not appeared before the Kottar Police Station. He would further submit that since the petitioners have not appeared before the respondent police, they are unable to complete the investigation and hence, this Court may issue a suitable direction to modify the said condition.

5.Considering the above facts and circumstances of the case and also considering the facts that there is a life threat to the petitioners in the Kottar Polices Station, the condition imposed on the petitioner in Crl.M.P.No.8072 of 2023, dated 09.01.2024 on the file of the learned Principal Sessions Judge, Thoothukudi is hereby modified to the effect that “the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders”.

6.Accordingly, this Criminal Original Petition is allowed.

sd/-
31/01/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Crl.O.P.(MD)No.1375 of 2024

WEB COPY

SJI
TO

- 1 THE PRINCIPAL SESSIONS JUDGE
THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE
KULATHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, NAGERCOIL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1375 of 2024
Date :31/01/2024

PKP/JGB/SAR /05.02.2024/ 4P/5C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023