



Crl.O.P.(MD)No.3038 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.3038 of 2024

M.Esakki Muthu

... Petitioner

Vs.

The State through
The Inspector of police,
Austinpatti Police Station,
Madurai District.
In Crime No.247 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439(1)(b) r/w 482 of the Code of Criminal Procedure, to relax the condition totally imposed on the petitioner in Cr.M.P.No.773 of 2024 on the file of the Principal District and Sessions Court, Madurai District dated 07.02.2024.

For Petitioner : Mr.A.Arun Ramnath

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to relax the condition imposed by the Principal District and Sessions Court, Madurai District, in Crl.M.P.No.773 of 2024 vide its order dated 07.02.2024.



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2.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as Accused in Cr.No.247 of 2023, which was registered for the offence punishable under Sections 147, 148, 294(b), 302 and 506(ii) of IPC. Therefore, the petitioner filed a bail petition in Crl.M.P.No.773 of 2024 and the same was allowed with a condition to the petitioner to report before the respondent police daily at 10.30 a.m., until further orders. He would further submit that the petitioner is a daily wager and he is unable to comply with the condition imposed by the Court below regularly. Therefore, he prayed to relax the condition imposed by the Court below.

3.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner is regularly complying with the conditions imposed by the Principal District and Sessions Court, Madurai District, in Crl.M.P.No.773 of 2024 dated 07.02.2024. He further submitted that after completion of investigation, a charge sheet has been filed before the lower Court.



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4.Considering the facts and circumstances of the case and considering the submissions made by the learned counsel on either side, this Court is inclined to modify the condition imposed by the Court below.

5. Accordingly, the condition imposed by the Court below in in Crl.M.P.No.773 of 2024 dated 07.02.2024 is hereby modified to the effect that “*the petitioner shall appear before the lower Court for each and every hearing*”.

6.In the result, this Criminal Original Petition is allowed.

27.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dss



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M.DHANDAPANI,J.

dss

To

- 1.The Principal District and Sessions Court,
Madurai District.
- 2.The Inspector of police,
Austinpatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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