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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Tuesday, the Twenty Seventh day of August Two Thousand and Twenty Four
PRESENT
The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD). No.8160 of 2024
in
CRL.A(MD) No.256 of 2024

Arun ... Petitioner/Accused No.4

Vs

1 The Deputy Superintendent Of Police
Papanasam Sub Division
Thanjavur District.

2 The Inspector of Police
Ayyampettai Police Station,
Thanjavur District.
(Crime No.415/2023)

3 Jothi ... Respondent/Complainant

Prayer in CRL MP(MD). No.8160 of 2024

Criminal Miscellaneous Petition filed under section 528 of BNSS (U/S 482 of Cr.p.c.) to modify the conditions No.9(b) and (c) imposed by this Honble Court dated 24.04.2024 in Crl.A(MD)No.256/2024 and pass such other orders

Prayer in CRL A(MD) No.256 of 2024

Criminal Appeal filed under section 14(A) (2) of the Schedule Caste and Tribes Prevention of Atrocities Act, 2015 as Amended by Act 1 of 2016, to call for the records pertaining to the order passed in Cr.M.P.No.424 of 2024, on the file of the II

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Additional District and Sessions Judge, Thanjavur.I Additional District and Sessions Judge (PCR), Thanajavur, (FAC) dated 14.03.2024 and set aside the same.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Ramsundarvijayraj, Advocate for the Petitioner and of Mr.M.Sakthi Kumar, Government Advocate (Crl side) for the 1st and 2nd Respondents and of Mr.R.Gowri Shankar, Legal Aid Counsel for 3rd Respondent, this Court made the following order:

"This Court, by order dated 24.04.2024, allowed the appeal by setting aside the order dated 14.03.2024 made in Cr.M.P.No.424 of 2024 on the file of the learned II Additional District and Sessions Judge (PCR), Thanjavur (FAC) and directed the appellant to be released on bail with certain conditions. Now, the appellant/petitioner has filed this petition seeking to modify the condition Nos.9(b) and 9(c), which are as follows:

"9(b). The appellant shall stay at Madurai and report before the Thallakulam Police Station, daily at 10.30 a.m. until further orders.

9(c). The appellant shall appear before the II Additional District and Sessions Court (PCR), Thanjavur (FAC) on the date of hearing and except for that purpose, he is strictly instructed not to enter into the

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place till the disposal of the trial."

2. The learned counsel appearing for the appellant/petitioner submits that since the petitioner is working at Erode, he could not comply with the conditions. He further submits that due to the condition imposed by this Court, he could not attend the work regularly. Therefore, he prays for modification of the said conditions.

3. The learned Government Advocate (Crl. Side) submits that in this case, trial has commenced.

4. Since the trial has commenced in this case, this petition is allowed and the condition No.9(b) imposed on the petitioner in Crl.A.(MD)No.256 of 2024, is fully relaxed. Asfaras the condition No.9(c) is concerned, the condition is modified to the effect that the appellant/petitioner shall appear before the trial Court on all hearing dates without fail. "

Sd/-
Assistant Registrar(CS-II)

// True Copy //

/09/2024
Sub Assistant Registrar
(CS-I/II/III/IV)

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TO

1 The II Additional District and Sessions Judge,
Thanjavur (FAC), Thanajavur.

2.The I Additional District and Sessions Judge,(PCR)
Thanjavur (FAC), Thanajavur.

3. The Deputy Superintendent Of Police
Papanasam Sub Division
Thanjavur District.

4 The Inspector of Police
Ayyampettai Police Station,
Thanjavur District.

5. The Inspector of Police,
Thallakulam Police Station,
Madurai.

6. The Superintendent of Prison,
Pudukottai Prison

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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ORDER DATED : 27/08/2024

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ORDER

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CRL MP(MD). No.8160 of 2024
in
CRL A (MD) No.256 of 2024

SI -(10.09.2024) 5P/ 8C

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

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