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Crl.O.P.(MD)No.19457 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.01.2024**

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.19457 of 2023

Saravanan

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
Crime No.25 of 2023.

...Respondent/Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records relating to the order passed by the learned Principal District and Sessions Judge, Pudukottai in Crl.M.P.No. 2775 of 2023, dated 24.08.2023 and set aside the same in so far as the condition that the petitioner shall appear before the learned Sessions Judge, POCSO Court, Srivilliputhur, daily at 10.30 a.m., for the period of one month is concerned.

For Petitioner : Mr.Sureshkumar P

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



ORDER

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This Criminal Original Petition is filed to call for the entire records relating to the order passed by the learned Principal District and Sessions Judge, Pudukottai in Crl.M.P.No. 2775 of 2023, dated 24.08.2023 and set aside the same in so far as the condition that the petitioner shall appear before the learned Sessions Judge, POCSO Court, Srivilliputhur, daily at 10.30 a.m., for the period of one month is concerned.

2. The case of the prosecution is that on 18.03.2023 at about 12.00 p.m., while the defacto complainant and his officials had conducted usual vehicle checkup, he found that the petitioner illegally transported $\frac{1}{4}$ unit of sand in 20 gunny bags by using JCB vehicle bearing registration No.TN 55 BU 9191. Thereafter, the accused drove the vehicle and escaped from the occurrence place. Hence, this case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent. The petitioner was granted anticipatory bail by the Principal District and Sessions Court, Pudukkottai, in Crl.M.P.No. 2775 of 2023 by the order dated 24.08.2023 with condition that the petitioner shall appear and sign before the learned Sessions Judge, POCSO Court, Srivilliputhur, daiy at 10.30 a.m., for a period of one



month. Since, the petitioner's native is Pudukkottai district and due to the family and financial condition of the petitioner, he could not able to comply the condition imposed upon him in Crl.M.P.No.2775 of 2023. Hence, he prays to set aside the order passed by the Principal District and Sessions Court, Pudukkottai, in Crl.M.P.No.2775 of 2023.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner has not complied the condition imposed upon him.

5. Considering the submissions and nature of offence and since the condition imposed upon the petitioner is not an onerous condition, it is just and reasonable, I am not inclined to modify the condition imposed by the concerned Court. Hence, this petition is dismissed.

08.01.2024

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

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M.DHANDAPANI,J.

Indu

To

- 1.The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.19457 of 2023

08.01.2024