



WEB COPY



Crl.O.P.(MD)No.18997 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.18997 of 2023

K.Kalaiarasan

... Petitioner/ Accused 2

Vs.

The State Rep by
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.231 of 2023)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the II condition imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P.No.4813 of 2023 vide its order dated 26.09.2023 by permitting the petitioners to appear before the learned Judicial Magistrate Court, Rajapalayam, Virudhunagar District instead of appearing before the Judicial Magistrate Court No.I, Tirunelveli everyday at 10.00 am., until further orders and thereafter as and when required for interrogation.

For Petitioner : Mr.D.RAJABOOPATHY, Advocate

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl. Side)

ORDER

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



Crl.O.P.(MD)No.18997 of 2023

imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P.No.4813 of 2023 vide its order dated 26.09.2023 by permitting the petitioners to appear before the learned Judicial Magistrate Court, Rajapalayam, Virudhunagar District instead of appearing before the Judicial Magistrate Court No.I, Tirunelveli everyday at 10.00 am., until further orders.

2.The learned counsel appearing for the petitioner would submit that the petitioner is A2 in Cr.No.231 of 2023, which was registered for the offence punishable under Sections 379, 353 IPC and Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957 and he was arrested on 10.09.2023. Therefore, he filed a bail petition before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P.No.4813 of 2023 and the same was ordered on 26.09.2023 with a condition that the petitioner should appear before the Judicial Magistrate Court No.I, Tirunelveli everyday at 10.00 am., until further orders. He would further submit that the petitioner is a daily wage agriculture coolie worker and due to the condition imposed by the Court below, the petitioner is not in a position to continue his avocation. Therefore, he prayed to modify the condition imposed by the Court below.

3.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that after considering the facts and circumstances of the case, the



Crl.O.P.(MD)No.18997 of 2023

Court below rightly imposed the condition, which does not need any interference by this Court.

4.Considering the facts and circumstances of the case and considering the fact that the petitioner is a daily wage worker, this Court is inclined to relax the condition imposed by the Court below. Accordingly, the condition imposed by the learned Principal District and Sessions Judge, Virududhunagar District at Srivilliputtur in Crl.MP.No.4813 of 2023 dated 26.09.2023, is hereby relaxed. The petitioner shall appear before the respondent police as and when required for interrogation.

5.In the result, this criminal original petition is allowed.

sd/-
05/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,

MADURAI

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



Crl.O.P.(MD)No.18997 of 2023

COPY TO:

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-368[I] dated 09/01/2024)

ORDER IN
CRL OP(MD) No.18997 of 2023
Date :05/01/2024

SA/DD/SAR. /11.01.2024/4P/9C

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