



Crl.O.P.(MD)No.19176 of 2023

WEB COPY

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.19176 of 2023

1.Jothi Frank Delpin @ Jothi Frank Delphin

2.Stephen

3.Yesudhas

... Petitioners/ Accused nos. 1,5 & 6

Vs.

State represented by
The Inspector of Police,
Kotticode Police Station,
Kanniykumari District.
Crime No.88 of 2023

... Respondent /Complainant

PRAYER : Criminal Original Petition filed under Section 439(1)(b) r/w 482 of the Code of Criminal Procedure, to modify the condition imposed upon the petitioners in Crl.M.P.No.5395 of 2023 in Crl.M.P.No.4879 of 2023 dated 10.10.2023 on the file of the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil.

For Petitioners : Mr.Sivabalan, Advocate for
for Mr.G.Aravinthan, Advocate

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

ORDER

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

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upon the petitioners in Crl.M.P.No.5395 of 2023 in Crl.M.P.No.4879 of 2023 dated 10.10.2023 on the file of the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil.

2.The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A1, A5 & A6 in Cr.No.88 of 2023, which was registered for the offence punishable under Sections 109, 147, 447, 427 and 506(i) IPC. Therefore, the petitioners filed anticipatory bail petition in Crl.M.P.No.4879 of 2023 and the same was allowed with a condition to appear before the respondent police daily at 10.00 am. Thereafter, the petitioners filed a petition to extend the time in Crl.M.P.No.5395 of 2023 and the same was allowed, however, the Court below modified the condition that the petitioners should stay at Tiruchirappalli and appear & sign before the learned Judicial Magistrate No.I, Tiruchirappalli daily twice at 10.30 am., and 5.00 pm., for a period of 15 days. He would further submit that the petitioners are residents of Kanniyakumari District and they are leading their life in the Kanniyakumari District and also they have avocation in their native. Hence, they could not travel to Trichy. Therefore, he prayed to modify the condition imposed by the Court below.



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3.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the Court below, after considering all aspects, rightly imposed the condition, which does not warrant any interference by this Court.

4.Considering the facts and circumstances of the case and considering the fact the petitioners are residents of Kanniyakumari District and the offence committed by the petitioners is not a heinous one, this Court is inclined to modify the condition imposed by the Court below. Accordingly, the condition imposed by the Court below in Crl.M.P.No.5395 of 2023 in Crl.M.P.No.4879 of 2023 dated 10.10.2023 is hereby modified to the effect that the petitioners shall appear before the respondent police daily at 10.30 am., until further orders.

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 PRINICPAL SESSIONS JUDGE
KANYAKUMARI DISTRICT AT NAGERCOIL.

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2 THE JUDICIAL MAGISTRATE NO.I
TIRUCHIRAPPALLI.

3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4 THE INSPECTOR OF POLICE
KOTTICODE POLICE STATION, KANNIYAKUMARI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to G.ARAVINTHAN Advocate SR.No.602(F) dt: 08.01.2024

ORDER
IN

CRL OP(MD) No.19176 of 2023
Date :05/01/2024

PKP/JGB/SAR- /12.01.2024/ 4P/ 7C
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