



Crl.O.P.(MD) No.21322 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.21322 of 2023

1.Samuthiram @ Samuthuraj

2.Babu @ Madasamy

3.Karlagaraj

4.Selvam @ SelvaKumar

... Petitioners/Petitioners/ Accused 1 to 4

Vs.

State represented by

The Inspector of Police,

Sivakasi East Police Station,

Virudhunagar District.

Crime No.341 of 2021.

... Respondent /Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 438(1)(b) of the Code of Criminal Procedure, to modify the condition of that "the petitioners shall appear and sign before the Judicial Magistrate No.1, Madurai, daily at 10.00 a.m., until further orders" imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur by order dated 19.10.2023 in Crl.M.P.No.5469 of 2023.

For Petitioners : Mr.E.Mareeskumar,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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by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, by order dated 19.10.2023 in Crl.M.P.No.5469 of 2023, on the petitioners that the petitioners shall appear and sign before the Judicial Magistrate No.1, Madurai, daily at 10.00 a.m., until further orders.

2.The learned counsel appearing for the petitioners would submit that the petitioners have filed Crl.M.P.No.4531 of 2023 for anticipatory bail before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur and the same was allowed on 05.09.2023, and the petitioners were directed to appear before the Judicial Magistrate Court No.I, Dharmapuri, daily at 10.00 a.m and 05.00 p.m., until further orders. Thereafter, the petitioners approached this Court by way of Crl.O.P(MD).No.16826 of 2023 seeking modification of the said condition and however, this Court, vide order dated 19.09.2023, directed the petitioners to approach the concerned Court to modify the said condition. Therefore, the petitioners have filed Cr.M.P.No.5469 of 2023 before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, seeking modification of the said condition and on 19.10.2023, the trial Court directed the petitioners to appear before the Judicial Magistrate No.1, Madurai, daily at 10.00 a.m., until further orders. Aggrieved over the onerous condition imposed by the trial Court, this petition has been filed to

modify the same.

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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, has rightly imposed the condition on the petitioners, which does not warrant any interference by this Court.

4.Considering the facts and circumstances of the case, this Court is inclined to modify the condition imposed by the Court below. Accordingly, the condition to appear before the Judicial Magistrate No.1, Madurai, imposed on the petitioners by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, in Cr.M.P.No.5469 of 2023 dated 19.10.2023 is hereby modified to the effect that “ the petitioners shall appear and sign before the respondent Police daily at 10.30 a.m., until further orders.”

5. Accordingly, this Criminal Original Petition is allowed.

sd/-
08/01/2024

/ TRUE COPY /

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

SSB
TO
1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.



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2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-407[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) No.21322 of 2023
Date :08/01/2024

PKP/DD/SAR /23.01.2024/ 4P/ 7C

Madurai Bench of Madras High Court is issuing certified
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