



Crl.O.P.(MD)No.149 of 2024

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.149 of 2024

1.Rajasekar @ Thangasami

2.Thangaraja

3.Sivasankar

4.Sivakumar @ Siva

5.Ganesh

6.Senthil Raja

7.Sekar

8.Rajakumar @ Rajesh

... Petitioners/Petitioners/Petitioners

Vs.

State rep by its
The Sub Inspector of Police,
Suchindrum,
Kanyakumari District.
(Crime No.295 of 2023)

... Respondent / Respondent/Respondent

PRAYER : Criminal Original Petition filed under Section 439(1)(b) r/w 482 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.6436 of 2023 dated 22.11.2023 on the file of the Principal Sessions Judge, Kanyakumari



Crl.O.P.(MD)No.149 of 2024

District at Nagercoil and consequently modify one of the condition, “the petitioners shall stay at Madurai, appear and sign before the Judicial Magistrate No.I, Madurai daily twice at 10.30 am., and 05.00 pm., until further orders” in his order granting anticipatory bail to the petitioners/A1 to A8 dated 30.10.2023 made in Crl.M.P.No.5868 of 2023 on the file of the Principal Sessions Judge, Kanyakumari District at Nagercoil.

For Petitioners : Mr.C.Sankar Prakash, Advocate

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

ORDER

This Criminal Original Petition has been filed to set aside the order passed in Crl.M.P.No.6436 of 2023 dated 22.11.2023 on the file of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil and consequently modify the condition imposed in Crl.M.P.No.5868 of 2023 dated 30.10.2023 by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil.

2.The learned counsel appearing for the petitioners would submit that the petitioners are accused in Cr.No.295 of 2023, which was registered for the offence punishable under Sections 147, 148, 120(b), 294(b), 323, 324 and 506(i) IPC and thereby, they filed anticipatory bail petition before the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.5868 of 2023 and the same



Crl.O.P.(MD)No.149 of 2024

WEB COPY

was allowed on 30.10.2023 on condition that the petitioners should stay at Madurai, appear and sign before the Judicial Magistrate No.I, daily twice at 10.30 am., and 05.00 pm., until further orders. He would further submit that the petitioners are residents of Kanyakumari District and they have avocation in their locality and hence, they filed a modification petition in Cr.M.P.No.6436 of 2023 and the same was dismissed. Challenging the same, the present petition came to be filed.

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

4.Considering the facts and circumstances of the case and considering the fact that the petitioners are resident of Kanyakumari District and they have avocation in their locality, this Court is inclined to modify the condition. Accordingly, the order passed in Crl.M.P. No.6436 of 2023 dated 22.11.2023 on the file of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil is hereby set aside and the condition No.2 imposed on the petitioners in Crl.M.P.No.5868 of 2023 dated 30.10.2023 by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil is hereby modified to the effect that the petitioners shall report before the respondent police daily at 07.00 pm., until further orders.



Crl.O.P.(MD)No.149 of 2024

WEB COPY

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 SESSIONS JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE JUDICIAL MAGISTRATE NO.I
MADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 4 THE SUB INSPECTOR OF POLICE
SUCHINDRUM, KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



WEB COPY



Crl.O.P.(MD)No.149 of 2024

ORDER
IN
CRL OP(MD) No.149 of 2024
Date :05/01/2024

SS/JGB/SAR- /12/01/2024/5P/6C

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