



Crl.O.P.(MD)No.167 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

DATED: 05.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.167 of 2024

Pandiyar

... Petitioner / Sole Accused

Vs.

The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
(Crime No.345 of 2023)

... Respondent / Complainant

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 by the learned II Additional District & Sessions Judge, Thanjavur, I Additional District & Sessions Judge(PCR), Thanjavur (FAC) in Crl.M.P.No.446 of 2023 dated 06.11.2023 and further relax the condition imposed by him in Crl.M.P.No.412 of 2023 vide its order dated 21.09.2023.

For Petitioner	:	Mr.R.L.Dhilipan Pandian
For Respondent	:	Mr.SS.Madhavan, Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned II Additional District & Sessions Judge, Thanjavur, I Additional District & Sessions Judge(PCR), Thanjavur (FAC) in Crl.M.P.No.446 of 2023 dated 06.11.2023



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and further relax the condition imposed by him in Crl.M.P.No.412 of 2023 vide its order dated 21.09.2023.

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2.The learned counsel appearing for the petitioner would submit that the the petitioner is sole accused in Cr.No.345 of 2023, which was registered for the offence punishable under Sections 420 IPC and Sections 3(1)(f), 3(2)(va) SC/ST (POA)Act. Therefore, the petitioner surrendered before the learned II Additional District & Sessions Judge, Thanjavur, I Additional District & Sessions Judge(PCR), Thanjavur (FAC) and filed a bail petition in Crl.M.P.No.412 of 2023 and the same was ordered on 21.09.2023 with a condition that the petitioner should report before the respondent police daily at 10.00 am., till the completion of investigation. He would further submit that the petitioner complied with the condition for more than 70 days and he is a daily wage worker and hence, he is not in a position to continue his avocation. Therefore, the petitioner filed a relaxation petition in Crl.M.P.No.446 of 2023 and the same was dismissed on 06.11.2023. 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 Court below, after considering all aspects, rightly dismissed the petition for relaxation and it dose not warrant any interference by this Court.



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4.Considering the facts and circumstances of the case and considering the fact that the petitioner complied the condition for more than 70 days, this Court is inclined to relax the condition. Accordingly, the order passed by the Court below in Crl.M.P.No.446 of 2023 dated 06.11.2023 is hereby set aside and the condition imposed by the Court below in Crl.M.P.No.412 of 2023, dated 21.09.2023 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 II Additional District and Sessions Judge, Thanjavur.
I Additional District and Sessions Judge (PCR), Thanjavur (FAC).

2.The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.167 of 2024
Date :05/01/2024

ED/ JGB /SAR- (09/01/2024) 4P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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