

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2015

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

Crl.O.P.No.22713 of 2015

Sundaram @ Kalyanasundraram

...Petitioner/Accused

Vs

The State

rep. by the Inspector of Police,

Avinashi All Women Police Station,

Avinashi,

Tiruppur District.

(in Crime No. 8 of 2013)

...Respondent/Complainant

Prayer: Petition filed under Section 439(1)(b) of Cr.P.C. to modify the order passed, in Crl.M.P.No.2045 of 2015 dated 20.05.2015 in Crime No.8 of 2013 on the file of the respondent/Avinashi All Women Police Station, by the Judicial Magistrate, Avinashi by modifying executing personal own bond or family card by the petitioner instead of the petitioner and his two sureties shall produce their Identity and permanent resident proof with necessary solvency certificates for the same from concerned VAO.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.K.Prabakar

Govt. Advocate (Crl. Side)

ORDER

The learned Judicial Magistrate, Avinashi, by its order dated 20.05.2015 in Crl.M.P.No.2045 of 2015 granted bail by imposing the following conditions:-

- i) The petitioner shall produce an affidavit of undertaking.
- ii) The petitioner is hereby directed to execute a own bond for a sum of Rs.3,00,000/- along with two sureties for a like sum.
- iii) The petitioner and his two sureties shall produce theiry

identify and permanent resident proof with necessary solvency certificate for the same from the concerned V.A.O.

iv) The petitioner shall produce original R.C. Book, insurance certificate after paying Road taxes if any.

v) The petitioner shall not transfer, alienate, encumber or dispose of the vehicle in any manner pending disposal of the case.

vi) The petitioner shall produce the vehicle as and when required by this Court.

vii) The petitioner shall produce the vehicle on the first day of every month before the respondent police.

viii) The petitioner shall take the photograph of property in colour and file the negative and three prints in Court. On the reverse side photograph he should make an endorsement to the effect that he will not dispute the identify of property in the photograph at the time of trial.

ix) The Head Clerk of this Court shall attest the photograph to the effect that the image in the photograph is that of the property.

x) The respondent police shall identify the petitioner.

2. In this case, the petitioner has come forward with this petition seeking to relax the condition imposed by the learned Judicial Magistrate, Avinashi.

3. The learned counsel appearing for the petitioner submitted that the condition Nos.2 and 3 imposed on the petitioner are onerous one and the petitioner was not able to comply with the condition.

4. Heard the learned Government Advocate (crl.side).

5. Considering the facts and circumstances of the case, this court is inclined to modified the condition Nos.2 and 3 imposed on the petitioner in Crl.M.P.No.2045 of 2015 dated 20.2015 to the effect that the petitioner is directed to execute a own bond for a sum of Rs.25,000/ (Rupees twenty five thousands only) along with two sureties for a like sum and the petitioner and his two sureties shall produce their identify and permanent resident proof. Except the above modification, the other conditions shall remain unaltered.

6. In view of the above modification, this criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

rrg

To

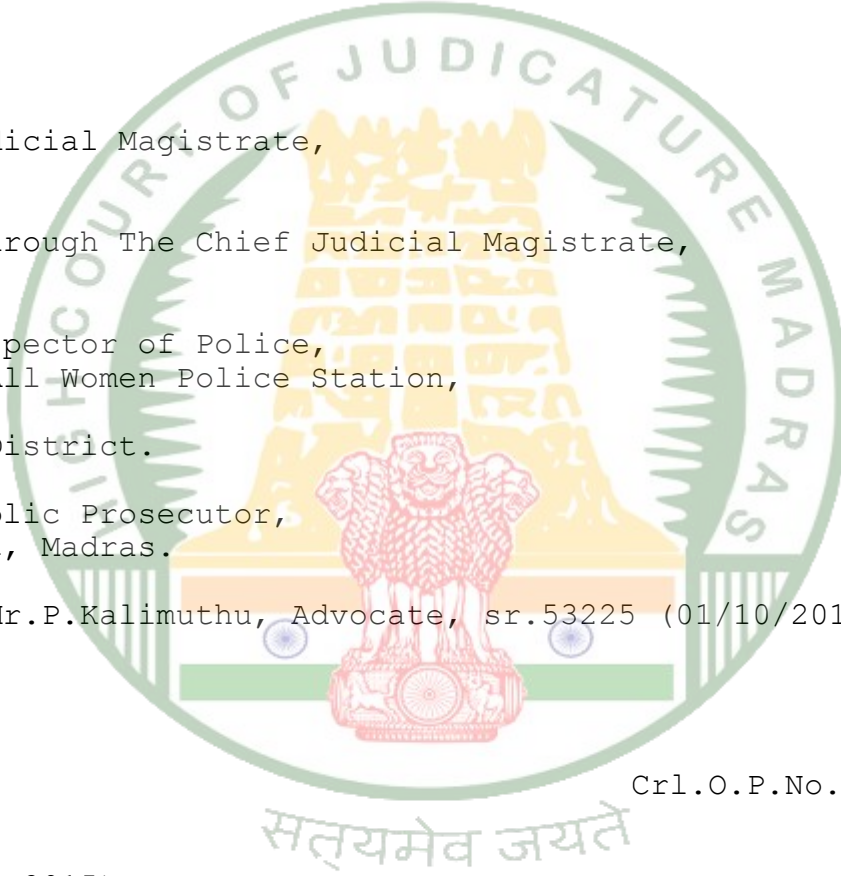
1. The Judicial Magistrate,
Avinashi.

2. -Do- Through The Chief Judicial Magistrate,
Tiruppur.

3. The Inspector of Police,
Avinashi All Women Police Station,
Avinashi,
Tiruppur District.

4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.P.Kalimuthu, Advocate, sr.53225 (01/10/2015)



CrI.O.P.No.22713 of 2015

SVI (CO)
PSI (28.09.2015)

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