

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.25407 of 2015

Soosai .. Petitioner/Petitioner.

Vs

The Inspector of Police,
Mamallapuram Police Station,
Mamallapuram, Thiruporur Taluk,
Kancheepuram District.
(Cr.No.457/2014)

... Respondent/Respondent.

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the learned District Munsif cum Judicial Magistrate, Thirukazhukundram to permit the petitioner to execute surety as per the order dated 17.10.2014 in Crl.M.P.No.3023 of 2014 passed by the learned Principal Sessions Judge of Kancheepuram District at Chengalpet and not to insist any document surety.

For Petitioner :Mr.M.Panimalar

For Respondent :Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the learned District Munsif cum Judicial Magistrate to permit the petitioner to execute surety, as per the order dated 17.10.2014 in Crl.M.P.No.3023 of 2014 passed by the learned Principal Sessions Judge of Kancheepuram District at Chengalpet and not to insist any document surety.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. It is seen that this petitioner is an accused in Crime No.457 of 2014 for the offence under Section 399 of IPC., and he was arrested by the respondent Police on 02.10.2014. This petitioner was granted bail by the learned Principal District and Sessions Judge, Chengalpattu in Crl.M.P.No.3023 of 2014 on 17.10.2014 on the following condition :

"Accordingly, the petitioners/accused are ordered to be released on bail on their executing a bond for Rs.10,000/- each with two sureties each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Thirukazhukundram with a condition to report before the respondent Police daily at 6.30 p.m. for 35 days and thereafter as and when required."

4. It is the grievance of the petitioner that though the Sessions Court has granted bail to the petitioner as early as 17.10.2014, the petitioner was not able to avail the benefits of bail, since the learned District Munsif cum Judicial Magistrate, Thirukazhukundram is insisting that, the petitioner should produce documents in support of sureties and that the petitioner was not able to get any person with documents, to stand as sureties.

5. Taking into consideration the fact that, the petitioner is under incarceration from 02.10.2014 and that despite the order of bail dated 17.10.2014, he has not been able to come out, this Court is of the view that it will serve the interests of justice, if the order dated 17.10.2014 in CrI.M.P.No.3023 of 2014 passed by the learned Principal Sessions Judge of Kancheepuram District at Chengalpattu is modified as follows :

"The petitioner/accused shall be released on bail, on he executing a bond for Rs.10,000/- (Rupees Ten Thousand Only) with one surety, who should be either parent, to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thirukazhukundram and on a further condition that :

[a] the petitioner shall appear before the respondent Police daily at 6.30 p.m for a period of 35 days and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner

released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)AIR SCW 5560].

6. With the above directions, this Criminal Original Petition is closed.

ds

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To:

- 1.The Principal Sessions Judge,
Kancheepuram District @ Chengalpattu.
2. The District Munsif cum Judicial Magistrate,
Thirukazhukundram.
- 3.The Inspector of Police,
Mamallapuram Police Station,
Mamallapuram,
Thiruporur Taluk,
Kancheepuram District.
- 4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.M.Panimalar, Advocate SR 58280

gr(co)
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