

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.26494 of 2015

1.Devan @ Arun
2.Moses @ Danial

.. Petitioners

Vs

State rep by its
The Inspector of Police,
B-7 Ramanathapuram Police Station,
Coimbatore City, Coimbatore.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to modify the bail order imposed by the Hon'ble Principal District and Sessions Judge, Coimbatore City, Coimbatore in Crl.MP.No.2702 of 2015 dated 30.09.2015.

For Petitioners : Mr.S.Muthu

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This petition has been filed to modify the condition imposed on the petitioners by the learned Principal District and Sessions Judge, Coimbatore in Crl.MP.No.2702 of 2015 dated 30.09.2015.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor for the respondent and perused the materials placed on record.

3. It is seen that, these petitioners were arrested on 20.07.2015 in Crime No.440 of 2015 for offences under Section 457, 397 altered to 395 and 397 IPC. They were granted bail in Crl.M.P.No.2702 of 2015 by the learned Principal District and Sessions Judge, Coimbatore on the following conditions:

"Hence the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.10,000/- with two sureties [one shall be blood relative of the petitioner and the other shall be the local resident of Coimbatore] to the satisfaction of JM No.VI, Coimbatore

and on further condition that they shall report before the respondent/ police daily twice at 10.00am and 5.00pm until further orders and on the failure of the petitioner to comply with the conditions regularly, the bail granted to them shall stand cancelled automatically and the petition is allowed accordingly."

4. Learned counsel for the petitioner submits that, the petitioners were not able to get any local sureties for their release and therefore, they are in incarceration, even after the Court had granted bail.

5. Taking into consideration the nature of the offences and the difficulty of the accused, this Court is of the view that it will serve the interest of justice, if the condition with regard to one surety being a local surety is modified. In the result, the order dated 30.09.2015 in CrI.MP.No.2702 of 2015 passed by the learned District Sessions Judge, Coimbatore is modified as follows:

"Hence the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.10,000/- with two sureties, one of whom should be a parent of the accused and the other should be a close relative of the accused and the accused shall deposit a sum of Rs.5,000/- each before the learned Judicial Magistrate No.VI, Coimbatore to the credit of Crime No.440 of 2015. After their release, they shall report before the respondent/police daily twice at 10.00am and 5.00pm until further orders."

6. For further relaxation of bail conditions, the petitioners may approach the Sessions Court. On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the petitioners in accordance with law, as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)AIR SCW 5560].

With the above modification, this petition is ordered.
gya

Sd/-
Assistant Registrar

/True Copy /

Sub-Assistant Registrar

To

1. The Principal District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate No.VI,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.
4. The Chief Judicial Magistrate,
Coimbatore
5. The Principal District and Sessions
Judge, Coimbatore

+2 C.C. to MR.S.Muthu, Advocate in Sr.No.58316

CRL.OP.No.26494 of 2015

CTK(CO)
sd : 29/10/2015



WEB COPY