

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2015

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Crl.O.P.No.28690 of 2015

Mathi @ Mathiyalagan

... Petitioner

Vs

The State

rep. by the Sub Inspector of Police,
Paramathy Police Station,
Namakkal District.

... Respondent

Prayer: Petition filed under Section 439(1)(b) of Cr.P.C. to modify the condition imposed by the Assistant Sessions Judge, Namakkal, Namakkal District made in Crl.MP.No.73 of 2015 in S.C.No.7 of 2011 dated 16.10.2015 to the effect that the sureties shall not be insisted to have file the original sale deed in respect of their properties worth not less than Rs.2 lakhs each to the satisfaction of the learned Assistant Sessions Judge, Namakkal, Namakkal District.

For Petitioner : Mr.J.Parameswaran

For Respondent : Mr.K.Prabakar
Government Advocate (Crl. Side)

ORDER

The learned Assistant Sessions Judge, Namakkal by its order dated 16.10.2015 in Crl.M.P.No.73 of 2015 in S.C.No.7 of 2011 granted bail to the petitioner by imposing a condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousands only) with two sureties for the like sum. A further condition was imposed directing the petitioner to deposit the original sale deed in respect of immovable property worth not less than Rs.2 lakhs to the satisfaction of the Court. Aggrieved by the condition to deposit original sale deed in respect of immovable property worth not less than Rs.2 lakhs, the petitioner is before this Court seeking modification.

2. The learned counsel for the petitioner submits that by virtue of the conditions imposed by the trial court, the

petitioner could not be released from jail. Such a condition imposed by the trial court would amount to denying bail to the petitioner and that the condition imposed on the petitioner is onerous.

3. On the above submission of the counsel for the petitioner, I heard the learned Government Advocate (crl.side).

4. Considering the facts and circumstances of the case and taking note of the fact that the petitioner has been in jail from 10.02.2015 and because of the conditions imposed by trial court, the petitioner is languishing in jail till date, I am inclined to modify the condition imposed by the trial court.

5. Accordingly, the condition imposed by the trial court directing the petitioner to deposit original title deeds pertaining to immovable property worth not less than Rs.2,00,000/- is modified, instead, the petitioner shall deposit original title deeds pertaining to immovable property worth Rs.1,00,000/-

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rrg

To

1.The Assistant Sessions Judge,
Namakkal.

2.-do- Through Principal Sessions Judge,
Namakkal.

3.The Sub Inspector of Police,
Paramathy Police Station,
Namakkal District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Parameswaran, Advocate, S.R.No.64959

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RSY(CO)

CA(18/12/2015)