

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.3.2015

CORAM:

THE HON'BLE MR.JUSTICE P.DEVADASS

CrI.O.P. No.5278 of 2015

Selvi

.. Petitioner

Vs.

State, represented by
the Inspector of Police,
Mangalam Police Station,
(Cr.No.281 of 2014)
Tiruppur District

.. Respondent

Criminal Original Petition filed under Section 428 of Cr.P.C.,
to modify the order passed in Cr.M.P.No.1950 of 2014 dated 12.1.2015
by the Principal Sessions Judge, Tiruppur.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.M.Mohamed Riyaz
Govt. Advocate (crl.side)

O R D E R

Petition for modification of the bail condition imposed by
learned Principal Sessions Judge, Tiruppur.

2. Petitioner is stated to be a killer wife. She is alleged to
have killed her husband.

3. After long incarceration, she has been granted bail on
12.1.2015. The learned Principal Sessions Judge, Tiruppur directed
the petitioner to furnish two sureties, who shall execute a bond for
Rs.10,000/- each to the satisfaction of the learned Judicial
Magistrate II, Tiruppur and she should also appear before the
respondent on every day at 10.30 a.m. and 5 p.m., for 30 days.

4. The learned Magistrate insisted upon production of solvency
certificate. Since she could not able to produce it, she continues
her stay in jail.

5. Revenue Officials will not issue solvency certificate
without property.

6. In the bail order, the learned Principal Sessions Judge does not direct that the petitioner should produce solvency certificate. Learned Magistrate need not insist upon conditions which were not at all been imposed by the learned Principal Sessions Judge herself. Further, there is no purpose or rationale behind the direction. The learned Principal Sessions Judge, Tiruppur to ask her appear twice before police for 30 days. It exhibits mechanical way of imposing bail condition.

7. In the circumstances, with reference to the bail order of the learned Principal Sessions Judge passed in Cr.M.P.No.1950 of 2014 dated 12.1.2015, the learned Judicial Magistrate II, Tiruppur shall not insist upon production of any solvency certificate. It shall be treated as personal bond. The condition that she should appear twice a day for 30 days is modified to the effect that she should appear before the said Judicial Magistrate II, Thiruppur on every Monday and Friday at 10.30 a.m. for three weeks.

8. With the above modification, this petition is disposed of.

-s/d-

Assistant Registrar (CO)

Dt:13/3/2015

True Copy

Sub-Assistant Registrar

To

1. The Principal sessions Judge, Tiruppur.
2. The Chief Judicial Magistrate, Tiruppur
3. The Judicial Magistrate, No.II, Tiruppur
4. The Public Prosecutor, High Court, Chennai.
5. The Inspector of Police,
Mangalam Police Station, Tiruppur District.

+ 1 cc to Mr.P.Kalimuthu, Advocate SR 12806

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