

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.3.2015

CORAM:

THE HON'BLE MR.JUSTICE P.DEVADASS

Crl.O.P. No. 7209 of 2015

1. Sudhakar
2. Viji
3. Raji
4. Magesh
5. Kumar
6. Manikandan
7. Shanmugam
8. Murugavel
9. Govindasamy
10. Bharathi

...Petitioners/Accused

Vs.

The Station House Officer,
Elavanasurkottai Police Station,
Ulundurpet,
Villupuram District.
(Cr.No.68 of 2014)

...Respondent/Complainant

Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition imposed in Crl.M.P.No.1660 of 2015 dated 12.03.2015 and relax the condition that to deposit a sum of Rs.10,000/-each as cash security in PRC No.22 of 2014 on the file of the learned Judicial Magistrate No.I, Ulundurpet, Villupuram District.

For Petitioner : Mr.S.Saravanakumar

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

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O R D E R

Petition for modification of the bail condition imposed by the learned Judicial Magistrate No.I, Ulundurpet, Villupuram District in CrI.M.P.No. 1660 of 2015 dated 12.03.2015.

2. Koothanoor village, Ulundurpet in Villupuram District is otherwise a peaceful village. An unfortunate event took place in the village. A murder took place. It is alleged that the friends and relatives of the deceased targeted the house of the relatives of the accused in this case, stoned and damaged the household articles. The damage was estimated at Rs.1,50,000/-.

3. The learned Principal Sessions Judge, Villupuram in CrI.M.P.No.1660 of 2015 on 12.03.2015 while granting anticipatory bail besides directing them to produce two sureties also directed each to deposit Rs.10,000/- as cash security.

4. It has been pointed out by the learned counsel for the petitioners that already the defacto complainant is aggrieved by the murder taken place in the village and there is motive between both sides, in the circumstances, a false case has been given with loaded allegations. Further, as per law, while granting bail, personal surety as well as cash security cannot be ordered.

5. Heard the learned Government Advocate.

6. I have anxiously considered the rival submissions.

7. As per Chapter 33 of Code of Criminal Procedure, a Court can impose personal surety or if the party is not able to produce surety, it could order cash security. Both cannot be ordered. This is one aspect of the matter.

8. A murder has taken place in the village. In ordinary course of events, the fall out of the friends and relatives of the deceased side will eye on the accused side and will cause harm to the otherside. They will be motivated. Petitioners are poor coolie workers. Some are students. While granting bail, the Court has to consider the general features of the case. While imposing conditions, the Court has to consider the facts pertaining to the individual persons. It should be an individualized decision.

7. There cannot be a general and uniform view. In the circumstances, this Court considers that the direction to deposit

Rs.10,000/- by each so far as this case is superfluous and not necessary.

8. In the facts and circumstances, in the anticipatory bail order of the learned Principal Sessions Judge, Villupuram passed in CrI.M.P.No. 1660 of 2015 dated 12.03.2015, the direction to deposit Rs.10,000/- as cash security by each has been deleted.

9. Accordingly, this criminal original petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Villupuram
2. Judicial Magistrate No.I, Ulundurpet, Villupuram District.
3. -do- Through The Chief Judicial Magistrate, Villupuram.
4. The Station House Officer,
Elavanasurkottai Police Station,
Ulundurpet,
Villupuram District.
5. The Public Prosecutor, High Court, Madras.

+1cc to Mr.S.Saravanakumar, Advocate, S.R.No.16838

CrI.O.P. No. 7209 of 2015

AD(CO)
CA(27/03/2015)

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