

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.3.2015

CORAM:

THE HON'BLE MR.JUSTICE P.DEVADASS

Crl.O.P. Nos.7286 to 7288, 7368 and 7369 of 2015

Suresh .. Petitioner in Crl.O.P.Nos.7286 to 7288 /15
Ramesh .. Petitioner in Crl.O.P.Nos.7368 & 7369 /15

Vs.

State rep. By
Inspector of Police,
Kelambakkam Police Station,
Kancheepuram District. ... Respondents in all Crl.O.Ps

Prayer in Crl.O.P.No.7286/15: Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the bail condition of executing a sum of Rs.10,000/- as bail bond as Rs.5000/- and permit the petitioners to furnish ration card sureties without title deeds in the Crl.M.P.No.392 of 2015 on 25.02.3015 in Cr.No.7 of 2015 on the file of the Judicial Magistrate No.I, Chengalpattu.

Prayer in Crl.O.P.No.7287/15: Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the bail condition of executing a sum of Rs.10,000/- as bail bond as Rs.5000/- and permit the petitioners to furnish ration card sureties without title deeds in the Crl.M.P.No.327 of 2015 on 25.02.3015 in Cr.No.15 of 2015 on the file of the Judicial Magistrate No.I, Chengalpattu.

Prayer in Crl.O.P.No.7288/15: Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the bail condition of executing a sum of Rs.10,000/- as bail bond as Rs.5000/- and permit the petitioners to furnish ration card sureties without title deeds in the Crl.M.P.No.394 of 2015 on 25.02.3015 in Cr.No.10 of 2015 on the file of the Judicial Magistrate No.I, Chengalpattu.

Prayer in Crl.O.P.No.7368/15: Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the bail condition of executing a sum of Rs.10,000/- as bail bond as Rs.5000/- and permit the petitioners to furnish ration card sureties without title deeds in the Crl.M.P.No.536 of 2015 on 05.03.2015 in Cr.No.7 of 2015 on the file of the Judicial Magistrate No.I, Chengalpattu.

Prayer in Crl.O.P.No.7369/15: Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the bail condition of executing a sum of Rs.10,000/- as bail bond as Rs.5000/- and permit the petitioners to furnish ration card sureties without title deeds in the Crl.M.P.No.537 of 2015 on 05.03.2015 in Cr.No.15 of 2015 on the file of the Judicial Magistrate No.I, Chengalpattu.

For Petitioner :Mr.M.Rajavelu
For Respondent :Mr.Mohamed Riyaz
Govt. Advocate (Crl.side)

COMMON ORDER

Petitions for suitable modification of the bail conditions.

2. All these matters are connected and a common relief is sought for. Thus, they are tagged together, heard together and are being disposed of by a single order.

3. In each case, the learned Judicial Magistrate No.I, Chengalpattu directed the petitioners to produce two sureties, who shall execute bond for Rs.10,000/- each.

4. The bail petition details are given in the following tabular column:

Sl.NO	Name	Police Station	Cr.No. And Sec. Of law	C.M.P.No
1	Suresh	Kelambakkam Police Station, Kancheepuram District	7 of 2015	392 of 2015
2	-do-	-do-	15 of 2015	327/15
3	-do-	-do-	10 of 2015	394/15
4	*Ramesh	-do-	7 of 2015	536/15
5	-do-	-do-	15 of 2015	537/15

5. The learned counsel for the petitioners submitted that the petitioner is a poor man. He calls for reduction of surety amount.

6. Chapter 33 of the Code of Criminal Procedure deals with bail and bail bonds. It is a complete code. It is a self contained code. Even a default bail granted under Section 167(2) Cr.P.C is deemed to be a regular bail under the said chapter.

7. Section 440 Cr.P.C stipulates that bail bond amount should not be excessive. It must be reasonable. If it is excessive and it

appears to be so, the Court has got the power to reduce it. The petitioner is an unskilled worker. He is doing sentry work. He is a daily wage earner.

8. In Motiram Vs. State of Madhya Pradesh [1978(7)SCC], the Hon'ble Supreme Court held that while imposing the surety bond amount, the Court has to consider the capacity of the person. It applies to the accused as well as to the bailors/sureties.

9. In this case, the petitioner is an ordinary man. So far as the petitioner is concerned, the surety amount appears to be excessive. It calls for reduction.

10. In the circumstances, in the bail orders passed by the learned Judicial Magistrate, Chengalpattu, the surety amount is reduced from Rs.10,000/- to Rs.5,000/-.

11. Accordingly, these Criminal Original Petitions are disposed of.

Sd/-
Assistant Registrar
25.3.2015

*Corrected as per order
dated 7.4.2015 made in
Crl.O.P.No.7286 to 7288, 7368 & 7369/2015
Sd/-
Assistant Registrar
7.4.2015

//True Copy//

Sub Assistant Registrar

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To

- | | |
|--|---|
| 1. The Chief Judicial Magistrate, Chengalpattu. | to be substituted
to the order
already despatched
on 26.3.2015 |
| 2. Judicial Magistrate No.I, Chengalpattu | |
| 3. Inspector of Police,
Kelambakkam Police Station,
Kancheepuram District. | |
| 4. The Public Prosecutor, High Court, Madras. | |
| 5. Section Officer,
Criminal Section, High Court, Madras. | |

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lrs (co)pmk.25.3.2015
pmk.7.4.2015