

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.3.2015

CORAM:

THE HON'BLE MR.JUSTICE P.DEVADASS

Crl.O.P. No.7409 of 2015

Sudhish Kumar

... Petitioner

Vs.

State, represented by
Inspector of Police,
City Crime Branch Police Station,
Tirupur City,
(Crime No.2/2015)

... Respondent

Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C., to modify the conditions 2 and 3 imposed in Crl.M.P.No.258 of 2015 by the learned Judicial Magistrate No.1, Thiruppur, Thiruppur District, dated 2.3.2015 in Crime No.2 of 2015.

For Petitioner : Mr.K.M. Balaji

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

O R D E R

Petition for modification of certain portions of the bail conditions.

2. On 2.3.2015 in C.M.P.No.258 of 2015, learned Judicial Magistrate No.1, Thiruppur granted bail to the petitioner imposing several conditions. One of the conditions is that he should produce original property title deeds and also property tax receipt.

3. Learned counsel for the petitioner submitted that the accused has no property document, so no property tax. In such circumstances, he is unable to satisfy the bail condition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side).

5. Already stringent condition have been imposed in this bail order. The petitioner is stated to be not owning any property . So far as the petitioner is concerned, the condition to produce title deeds and also tax receipts cannot be performed. In the circumstances, such condition should not be imposed. It applies to bailors also (see Moti Ram and others Vs. State of Madhya Pradesh reported in 1978 4 Supreme Court Cases, 47).

6. In this connection, learned counsel for the petitioner also pointed out with reference to condition No.3, which stipulates the sureties should also produce title deeds. Learned counsel also submitted that the petitioner belongs to Coonoor and he is not able to get the property sureties.

7. It is a fact that inspite of the bail order dated 2.3.2015, still the petitioner is in jail. This exhibits his inability to satisfy the said bail condition.

8. In the circumstances, in the bail order of the learned Judicial Magistrate I, Tiruppur in CrI.M.P.No.528 of 2015 dated 2.3.2015, the condition to produce house tax receipt and original title deeds by the bailors are deleted. Other conditions remain as it is.

9. With the above observation, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Msr

To

1. The Judicial Magistrate No.1, Thiruppur, Thiruppur District
2. The Public Prosecutor, High Court, Chennai.
3. The Inspector of Police,
City Crime Branch Police Station, Tirupur City.

+1cc to Mr.K.M.Balaji, Advocate, S.R.No.17999

CrI.O.P. No.7409 of 2015

EV(CO)
CA(10/04/2015)



सत्यमेव जयते

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