



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

Cr1.O.P(MD)No.10496 of 2015

A.Askar Batsha

... Petitioner/Accused

Vs.

State rep. By its
The Inspector of Police,
Karur Town Police Station,
Karur District.

(Crime No.216 of 2014)

... Respondent/Complainant

Prayer:Criminal Original Petition filed under Section 439(i)(b) of Cr.P.C praying to set aside the order passed by the Vacation Sessions Judge, Karur in Cr1.M.P.No.500 of 2015 dated 14.05.2015 and modify the condition imposed in the order dated 23.05.2014 passed in C.M.P.No.3769 of 2014 by the Judicial Magistrate No.I, Karur with respect of condition (b) on surety shall be blood related to the petitioner.

For Petitioner : Mr.P.Sivachandran

For Respondent : Mr.K.V.Rajaraj

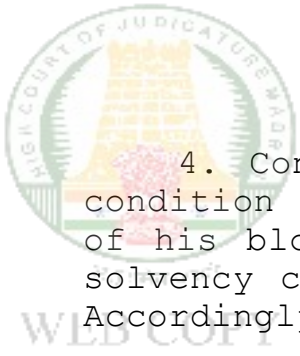
Government Advocate(Cr1.side)

O R D E R

This petition has been filed under Section 439(1)(B) of Cr.P.C to modify the condition imposed in the order dated 23.05.2014 passed in C.M.P.No.3769 of 2014 by the Judicial Magistrate No.I, Karur with respect of condition (b).

2.While granting bail to the petitioner, the lower Court imposed condition to furnish one surety shall be blood related to the petitioner.

3.The learned counsel for the petitioner submitted that the relatives of the petitioner does not own immovable property and due to the condition, the petitioner is not able to come out on bail though he was released in default of filing charge sheet under Section 167(2) Cr.P.C ON 23.05.2014. The learned counsel further submitted that the condition is onerous and prays for modification. The learned counsel further submitted that the relatives of the petitioner are ready to stand as a surety for the petitioner and the court may not insist solvency certificate.



4. Considering the facts and circumstances of the case, the condition is modified. The petitioner shall furnish two sureties of his blood relatives and the lower court shall not insist for solvency certificate. The other conditions shall stand unaltered. Accordingly, this petition is ordered.

/True copy/

Sd/-
Assistant Registrar(CO)

Sub Assistant Registrar

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To,

1.The Sessions Judge, Karur.

2.The Judicial Magistrate No.I, Karur.

3.The Inspector of Police,Karur Town Police Station,
Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.P.SIVACHANDRAN,ADVOCATE IN SR NO.30152

CrI.O.P.No.10496 of 2015
12.06.2015

RG.24.06.2015 2P/6C.