



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P. (MD) .Nos.18876 to 18912 of 2015

Thangadurai

... Petitioner in

Crl.O.P. (MD) .Nos.18876 to 18912 of 2015

Vs.

State represented by
the Inspector of Police,
Crime Branch,
Cantonment Police Station,
Trichy.

... Respondent in all the Crl.OPs

PRAYER: This petition is filed under Section 439 (1) (b) of Cr.P.C., to modify the conditions made in Cr.M.P.No.1389 of 2015 dated 23.06.2015 by the Judicial Magistrate No.II, Tiruchirapalli.

Prayer in CRL OP(MD) No.18877 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1390 of 2015 on the file of the Judicial Magistrate-II, Trichy.

Prayer in CRL OP(MD) No.18878 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1391 of 2015 on the file of the Judicial Magistrate-II, Trichy.

Prayer in CRL OP(MD) No.18879 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1392 of 2015 on the file of the Judicial Magistrate-II, Trichy.

Prayer in CRL OP(MD) No.18880 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1393 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18881 of 2015:

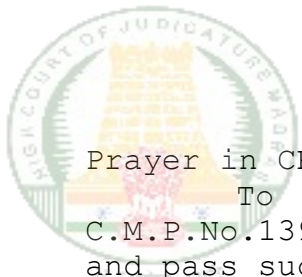
To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1394 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18882 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1395 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18883 of 2015:

<https://hcservices.ecourts.gov.in/hcservices/>
To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1396 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.



Prayer in CRL OP(MD) No.18884 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1397 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18885 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1398 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18886 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1399 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18887 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1400 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18888 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1401 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18889 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1402 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18890 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1403 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18891 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1404 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18892 of 2015:

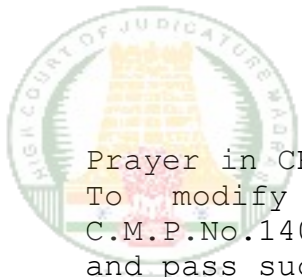
To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1405 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18893 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1406 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18894 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1407 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.



Prayer in CRL OP(MD) No.18895 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1408 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18896 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1409 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18897 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1411 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18898 of 2015:

To modify the conditions passed in order dated 23.06.2015 in C.M.P.No.1493 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18899 of 2015:

To modify the conditions passed in order dated 11.05.2015 in C.M.P.No.3753 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18900 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3754 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18901 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3755 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18902 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3756 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18903 of 2015:

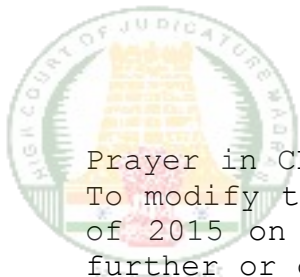
To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3759 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18904 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3757 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18905 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3758 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.



Prayer in CRL OP(MD) No.18906 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3760 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18907 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3761 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18908 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3762 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18909 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3763 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18910 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3764 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18911 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3765 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

Prayer in CRL OP(MD) No.18912 of 2015:

To modify the conditions passed in order dated 11.5.2015 in C.M.P.No.3766 of 2015 on the file of the Judicial Magistrate-II, Trichy and pass such further or other orders and thus render justice.

For Petitioner : Mr.T.P.Marimuthu
For Respondent : Mrs.S.Prabha
Govt. Advocate (Crl.side)

COMMON ORDER

The petitioner is an accused for the offence under Section 379 of I.P.C. The case of the prosecution is that the accused / petitioner has stolen 104 two wheelers.

2. The learned counsel for the petitioner submitted that while granting statutory bail to the accused, the learned Magistrate has directed him to furnish one blood related surety and sureties to deposit original title deeds of the property and that the conditions are onerous. The learned counsel has relied upon the judgment reported in 2015 (2) MWN (Cr.) 53 (Navaneethakrishnan vs. State).

<https://hcservices.ecourts.gov.in/hcservices/>

3. Per contra, the learned Government Advocate (Crl.side) submitted that the petitioner is a habitual offender and the judgment



relied on by the learned counsel for the petitioner has no application to the facts of the case.

4. In the decision referred supra, the accused in that case was granted bail on the condition he should deposit cash security for Rs.25,000/- and to execute a bond. Despite grant of bail, the accused was not released, due non-compliance of the condition and he moved an application for modification. Under this circumstance, this Court has held that the condition to deposit cash security of Rs.25,000/- is onerous one.

5. In the instant case, the Court has only directed the accused to furnish sureties and one should be blood related and also directed the sureties to deposit the original title deeds, which cannot be termed as onerous conditions.

6. In my considered view that the judgment relied on by the learned counsel for the petitioner has no bearing on the facts of the present case.

7. Considering the facts of this case, this Court is not inclined to modify the condition. Hence, these Criminal Original Petitions are dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Crime Branch,
Cantonment Police Station,
Trichy.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

AKV
TE/JGB/ : 28/10/2015 : 5P/3C

Cr1.O.P. (MD) .Nos.18876 to 18912 of 2015
05.10.2015