

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2016

CORAM

THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

Crl.O.P. No.26224 of 2016

Sathish @ Sathish Kumar

... Petitioner

Vs

State rep. by the
Inspector of Police,
K.R.P. Dam Police Station,
Krishnagiri District.

... Respondent

Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. to modify the order passed by the learned Principal Subordinate Judge, Krishnagiri, Krishnagiri District in Crl.MP.No.36/2016 dated 28.03.2016, as regular surety instead of "the petitioner is ordered to be released on bail on execution of bond for a sum of Rs.10,000/- with two sureties like sum, the surety must produce like sum, one of the surety must be a Government servant surety".

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.Emalias, APP

ORDER

The petitioner has come up with the present petition seeking modification of the order dated 28.03.2016 passed in Crl.M.P.

No.36 of 2016 by the learned Principal Subordinate Judge, Krishnagiri, Krishnagiri District with respect to the surety of a Government servant.

2. The case of the petitioner is that he was arrested and remanded to judicial custody on 12.01.2012 in connection with a case in S.C.No.94 of 2013 for the alleged offences under Sections 397, 398 IPC r/w 511 and 3(i) of the TNPPDL Act. By order dated 28.03.2016, the learned Principal Subordinate Judge, Krishnagiri has granted bail to the petitioner on executing a bond for a sum of Rs.10,000/- along with two sureties and on further conditions that the sureties must produce title deeds and one of the sureties must be a Government servant.

3. It is submitted by the learned counsel for the petitioner that the petitioner and his parents are illiterate and he is unable to furnish any Government servant as his surety for complying with the order of the lower court. He further submits that the petitioner is languishing in jail from 12.01.2012 onwards and the bail has been granted to him on 28.03.2016. Therefore, he seeks modification of the order of the lower court.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Considering the facts and circumstances of the case and taking note of the inability of the petitioner, this Court is inclined to modify the order dated 28.03.2016 passed in Crl.MP.No.36/2016 by the learned Principal Subordinate Judge, Krishnagiri, Krishnagiri District in respect of furnishing the sureties alone either by regular surety or by any one of the blood relatives, instead of a Government servant.

6. Accordingly, the criminal original petition is disposed of.

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14.12.2016

NOTE:
ISSUE ORDER COPY ON 15.12.2016

R.MAHADEVAN,J.

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