

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.12273 of 2016

N.Madhu

.. Petitioner/A4

Vs.

State: Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Crime No.435/2006)

.. Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the trial Court to accept the blood relative surety instead of government surety in P.R.C.No.51 of 2012 pending on the file of the Judicial Magistrate, Harur, in Crl.M.P.No.706/2016 before Principal Sessions Judge, Dharmapuri.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to direct the trial Court to accept the blood surety instead of government surety in P.R.C.No.51 of 2012, pending on the file of the learned Judicial Magistrate, Harur, in Crl.M.P.No.706 of 2016 before the learned Principal Sessions Judge, Dharmapuri.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The petitioner is involved in a case in Crime No.435 of 2006, for the offences under Section 457, 380, 394, 394 r/w.397 IPC. The respondent Police completed the investigation and filed a final report in P.R.C.No.51 of 2012 before the learned Judicial Magistrate, Harur, in which, the petitioner has been shown as absconding accused. The petitioner was ultimately arrested only on 02.03.2016, in execution of the warrant and he is in judicial custody.

4. While so, the petitioner filed CrI.M.P.No.706 of 2016 for bail and the Principal Sessions Court, Dharmapuri, granted him bail on 04.04.2016, on condition that he shall execute a bond for Rs.10,000/- with two sureties, of which, one should be a Government surety.

5. It is the contention of the petitioner that no Government servant is coming forward to stand surety and therefore, he has approached this Court for modification of sentence.

6. In the considered opinion of this Court, in a case of this nature, when the matter is still at the stage of committal, if the bail condition is modified, the committal proceedings will not progress. That apart, the petitioner is also involved in another case in Crime No.343 of 2015, for the offence under Section 395 IPC, which is a dacoity case.

Under such circumstances, it is not a fit case that the bail condition should be modified. Hence, this petition stands dismissed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Inspector of Police,
Harur Police Station,
Dharmapuri District.

2.The Public Prosecutor,
High Court, Madras.

Copy to

The Principal Sessions Judge,
Dharmapuri.

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srg 16/08/2016