

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.13740 of 2016

Palanivel

... Petitioner/Accused

Vs

State rep by

The Inspector of Police,
Kallakurichi Police Station,
Villupuram District.
(Cr.No.556 of 2015)

... Respondent/Complainant

Criminal Original Petition filed under Section 439[i][b] of Cr.P.C., to modify the conditions imposed upon the petitioner by the learned Sessions Court, Villupuram in CMP.No.1084 of 2016 dated 22.02.2016.

For Petitioner : Mr.V.Sasi Rekha

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

ORDER

This petition has been filed to modify the conditional order dated 22.02.2016 in Crl.M.P.No.1084 of 2016 passed by the learned Principal Sessions Judge, Villupuram.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. It is seen that this petitioner is A1 in Crime No.556 of 2015 for offences under Section 451, 393 and 397 IPC. It is the case of the prosecution that this petitioner and A2 entered into the house of the de facto complainant and after assaulting the de facto complainant had committed robbery. The petitioner was granted bail by the learned Principal Sessions Judge, Villupuram in Crl.M.P.No.1084 of 2016 on 22.02.2016 on the following conditions:

"The petitioner is ordered to be released on bail, on his executing a bond for Rs.10,000/- with two sureties [one of the surety may be a

Government servant] for a like sum each to the satisfaction of Judicial Magistrate, Kallakurichi and on condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders."

4. This petition has been filed by the petitioner for modification of the aforesaid condition on the plea that the petitioner is not able to secure the Government servant as surety.

5. Learned Additional Public Prosecutor submitted that investigation in Crime No.556 of 2015 has been completed and final report has been filed in PRC.No.22 of 2016 before the learned Judicial Magistrate, Kallakurichi and committal proceedings are pending.

6. In the considered opinion of this Court, if the condition is modified and the petitioner is released on bail, the committal proceedings will get stalled. Under such circumstances, the committal Magistrate is directed to complete the committal proceedings expeditiously. The aforesaid condition imposed by the learned Principal Sessions Judge, Villupuram in CrI.M.P.No.1084 of 2016 is modified to the effect that,

"The petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.10,000/- with two sureties, one of the surety should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Kallakurichi, on further condition that the petitioner shall appear before the respondent police on every Monday at 6.30 p.m. The bail bond shall be accepted by the learned Judicial Magistrate, Kallakurichi only after the case is committed to the Court of Sessions."

With the above modification, this petition is ordered.

Sd/-
Assistant Registrar(CS II)

//True Copy//

gya

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Kallakurichi.

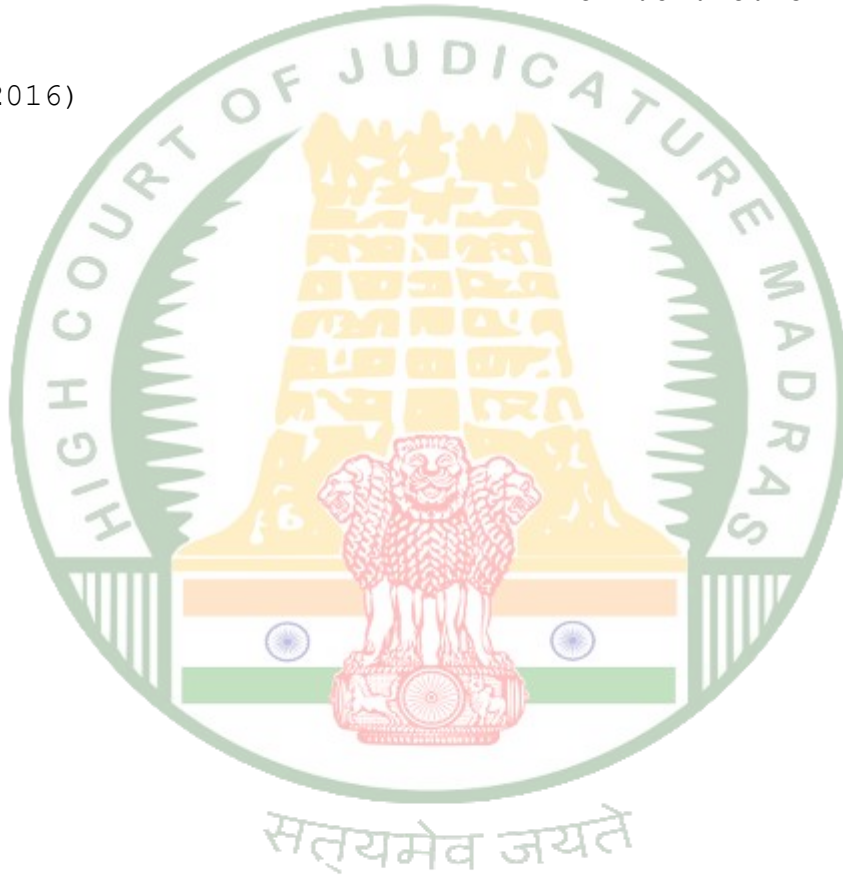
2.The Principal Sessions Judge,
Villupuram.

3.The Inspector of Police,
Kallakurichi Police Station,
Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.13740 of 2016

MG (CO)
CA(20/07/2016)



WEB COPY