

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.17116 of 2016

Vinoth

... Petitioner

Vs

State rep.by

The Inspector of Police,
Jayamkondam Police Station,
Ariyalur.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to modify the order in such a manner to accept the petitioner's parents as surety instead of surrendering the passport of the petitioner before the learned Judicial Magistrate, Jayamkondam, in CrlMP No.515 of 2016 dated 26.07.2016 on the file of the learned Principal District Sessions Court, Ariyalur.

For Petitioner : Mr.T.Muruganantham
For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to modify the order dated 26.07.2016 passed by the learned Principal District Sessions Judge, Ariyalur in Crl.M.P. No.515 of 2016 to accept the petitioner's parents as surety, instead of surrendering the passport of the petitioner before the learned Judicial Magistrate, Jayamkondam.

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

3. On the complaint lodged by one Asaithambi, the respondent Police have registered a case in Crime No.389 of 2016 on 26.05.2016 for offences under Section 294[b] and 307 IPC and arrested the petitioner on 26.05.2016. The petitioner is in jail, since then. While so, the petitioner filed an application in Crl.M.P.No.515 of 2016 before the learned Principal District and Sessions Judge, Ariyalur for bail and the learned Judge, by order, dated 26.07.2016, granted bail to

the petitioner on condition that he should execute a bond for Rs.10,000/- with two sureties each for a like sum and deposit his Passport with the Judicial Magistrate, Jayamkondam as condition precedent for acceptance of surety.

4. Learned counsel for the petitioner submitted that the petitioner's Passport is not readily available with the petitioner, but it is in the custody of his travel agent, as he had given it for employment abroad. Learned counsel contended that the petitioner has approached the travel agent for getting him a job abroad and that, he had made only part payment to the travel agent, on account of which, the travel agent is not returning the Passport.

5. Be that as it may. Taking into consideration the nature of allegations in the FIR, the Passport of the petitioner need not be retained indefinitely. The petitioner is an Indian Citizen and has got firm roots in India. The quarrel had arose in a Temple festival, in which, it is alleged that the petitioner had attacked the de facto complainant. Both of them are from the same Village.

6. Under such circumstances, the condition imposed by the Court below directing the petitioner to deposit the Passport stands deleted. The petitioner is directed to be released on bail, on executing a bond for Rs.10,000/- with two sureties of whom, one should be his parent to the satisfaction of the learned Judicial Magistrate, Jayamkondam. After his release, he shall report before the Judicial Magistrate, Jayamkondam daily at 10.30. a.m. until further orders.

This petition for modification is ordered accordingly.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District Sessions Court,
Ariyalur.

2.The Judicial Magistrate, Jayamkondam.

3.The Inspector of Police,
Jayamkondam Police Station, Ariyalur.

4.Central Prison, Trichy.

5.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.T.Muruganantham, Advocate, sr.45498

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