

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-01-2016

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Original Petition Nos. 29999 and 30000 of 2015

1. Aru @ Arumugam
2. Karthick

.. Petitioners in Crl.OP 29999/Petitioners/Accused

Venkatachalam

.. Petitioner in Crl.OP 30000/Petitioners/Accused

-Versus-

State represented by its
Inspector of Police
Mettur Police Station
Salem District

..Respondent in both the Petitions
/Respondent/Complainant

Crl.OP No. 29999 of 2015:- Criminal Original Petition filed under Section 439 (1) (b) read with Section 482 of Criminal Procedure Code praying to set aside the order passed in Crl.MP No. 6278 of 2015 dated 06.11.2015 on the file of the learned Judicial Magistrate No.1, Mettur and modify the condition No. (1) in Crl.MP No. 4875 of 2015 dated 21.08.2015 i.e., "they shall execute a bond for Rs.10,000/- with two sureties each for a like sum, one of them must be parents of the petitioner (father/mother) imposed by the learned Judicial Magistrate No.1 on the petitioner to regular sureties.

Crl.OP No. 30000 of 2015:- Criminal Original Petition filed under Section 439 (1) (b) read with Section 482 of Criminal Procedure Code praying to set aside the order passed in Crl.MP No. 6278 of 2015 dated 06.11.2015 on the file of the learned Judicial Magistrate No.1, Mettur and modify the condition No. (1) in Crl.MP No. 5038 of 2015 dated 26.08.2015 i.e., "they shall execute a bond for Rs.10,000/- with two sureties each for a like sum, one of them must be parents of the petitioner (father/mother) imposed by the learned Judicial Magistrate No.1 on the petitioner to regular sureties.

For Petitioners in Both CRL.OPS.: Mr.T.Shanmuga Boopathy

For Respondent in Both CRL.OPS. : Mr. M. Mohamed Riyaz
Government Advocate (Crl.side)

COMMON ORDER

The petitioners in both the petitions are arrayed as accused in Crime No. 335 of 2015 on the file of the respondent police for the offences punishable under Section 147, 148 and 302 of IPC. On registration of the case, the petitioners were arrested and remanded to judicial custody. The petitioners in Crl.OP No. 29999 of 2015, along with others, have filed Crl.MP No. 335 of 2015 seeking bail. The petitioner in Crl.OP No. 30000 of 2015 has filed Crl.MP No. 5038 of 2015 seeking bail. The learned Judicial Magistrate No.1, Mettur granted bail to the petitioners in Crl.OP No. 29999 of 2015 on 21.08.2015 and bail was granted to the petitioner in Crl.OP No. 30000 of 2015 on 26.08.2015 subject to certain conditions. The petitioners thereafter filed Crl.MP No. 6278 of 2015 seeking to modify the orders granting bail in their favour on the ground that the conditions imposed on them relating to execution of sureties by their father or mother could not be complied with as they are not alive. The learned Judicial Magistrate No.1, Mettur, by a common order dated 06.11.2015 refused to modify the order passed by it. Aggrieved by the same, the present Criminal Original Petitions are filed.

2. The learned counsel for the petitioners submit that the condition relating to execution of sureties by father or mother of the petitioners could not be complied with as they are not alive. To substantiate the same, the petitioners have also filed the death certificate. However, the learned Judicial Magistrate No.1, Mettur refused to modify the conditions relating to grant of bail and it would amount to denying bail in favour of the petitioners. Therefore, the learned counsel for the petitioners seek to modify the order dated 06.11.2015 passed in Crl.MP No. 6278 of 2015.

3. On the above submissions, this Court heard the learned Government Advocate (Crl.side).

4. Having regard to the fact that the petitioners have filed death certificate to show that their father and mother are not alive, this Court is of the view that in the interest of justice, the order dated 06.11.2015 of the learned Judicial Magistrate No.1, Mettur shall be modified.

5. Accordingly, the order dated 06.11.2015 of the learned Judicial Magistrate No.1, Mettur is modified and the petitioners are directed to execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum, out of which one of the sureties must be any close relative of the petitioners.

6. With the above modification, both the Criminal Original Petitions are disposed of.
sh

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate No.I,
Mettur, Salem District.
 2. The Inspector of Police,
Mettur Police Station,
Salem District.
 3. The Public Prosecutor, High Court, Mds-104.
- + 2 ccs to Mr.T.Shanmuga Boopathy, Advocate Sr Nos.296,297.

GR/CO
KR/22/1/16

Cr1.OP Nos. 29999 & 30000/2015

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