

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Crl.O.P.No.30323 of 2015

1. Shanmugam
2. Srinivasan

... Petitioners

vs

The State of Tamil Nadu
rep.by the Inspector of Police
Idol Wing, Anna Nagar
Chennai 600 040.

... Respondent

Prayer: Petition filed under Section 439(i)(b) of the Code of Criminal Procedure Code, to modify the condition imposed by the learned II Metropolitan Magistrate, Egmore, Chennai vide order dated 25.06.2015 in C.M.P.No.176 of 2015, for production of two close relative sureties for a sum of Rs.50,000/- each and for deposit of title documents.

For Petitioner : Mr.K.Surendar

For Respondent : Mr.Mohammed Riyaz
Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking to modify the condition imposed by the learned II Metropolitan Magistrate, Egmore, Chennai vide order dated 23.06.2015 in C.M.P.No.176 of 2015, while granting bail to the petitioners.

2. The learned Magistrate while granting bail to the petitioners imposed the following conditions:

" That the accused shall produce two close relative sureties for Rs.50,000/- each and one of the surety has to deposit his any of his title document before this Court and both accused should reside at Chennai and sign before the respondent police daily at 10.30 a.m and 5.30 p.m., until further orders".

3.The learned counsel for the petitioners submitted that the petitioners are unable to comply with the condition imposed by the Court below as they do not possess any title

document as directed to be produced by the Court below, while granting bail and therefore, the petitioners are still in jail for the past six months. Accordingly, he seeks modification of the same.

4. Heard the learned Government Advocate (Crl.Side) appearing for the State, who would submit that this is a case of theft of idols and without the aforesaid conditions if the petitioners are let out on bail, they will hamper the investigation proceedings and accordingly would submit that the order passed by the Court below warrants no interference.

5. Considering the facts and circumstances of the case, the condition imposed by the Court below is modified to the following effect:

"That the petitioners shall produce two close relative sureties for Rs.25,000/- each and one of the surety shall produce title document for verification before the Court below and after verification the same may be retained by the petitioners. The petitioners shall also file an affidavit of undertaking stating that they will not alienate or encumber the said title document till the disposal of the case. It is further made clear that if the petitioners fail to comply with the order passed by this Court within a period of two weeks from the date of receipt of a copy of this order, this order will not enure to the benefit of the petitioners. Except this modification, the other conditions imposed on the petitioners by the Court below, shall remain unaltered."

6. With the above modification, this criminal original petition is disposed of.

sd/-

Assistant Registrar(CCC)

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/TRUE COPY/

Sub-Assistant Registrar

vj2

To

1. The II Metropolitan Magistrate, Egmore, Chennai.

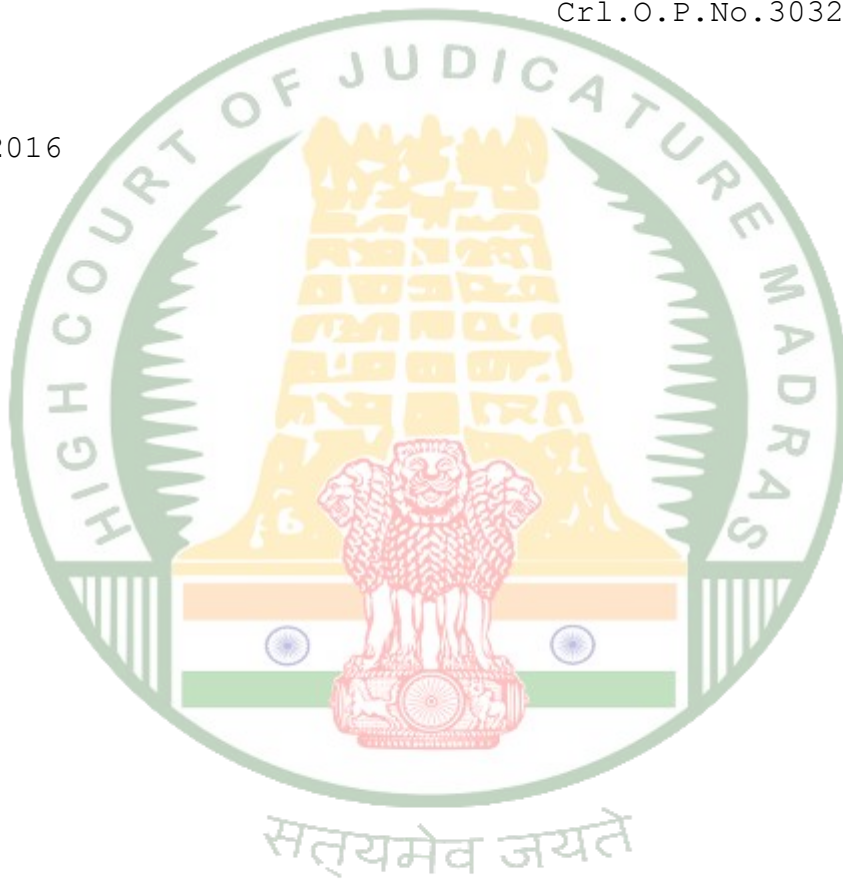
2. The Inspector of Police,
Idol Wing, Anna Nagar
Chennai 600 040.

3. The Public Prosecutor, Madras.

+ 1 cc to Mr.K.Surendar, Advocate Sr 1747 (11/1/16)

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CO-SVI
JD 08/01/2016



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