

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.No.1910 of 2016

Sadiq Basha @ ICAMA Sadiq @ Durai ... Petitioner/Accused

Vs.

State by

The Station House Officer,
Town Police Station,
Karaikal, Puducherry.
(Crime No.166/15)

.... Respondent/Complainant

Prayer: Petition filed under Section 439(1)(b) of the Criminal Procedure Code to modify the bail condition imposed in Crl.M.P.No.5 of 2016 dated 12.01.2016 by the learned Judicial Magistrate No.II, Karaikal, Puducherry.

Petitioner : Mr.P.Pugalenth
For Respondent : Mr.M.R.Thangavel
APP for Pondicherry

ORDER

This criminal original petition is filed to modify the bail condition imposed in Crl.M.P.No.5 of 2016 dated 12.01.2016 by the learned Judicial Magistrate No.II, Karaikal, Puducherry.

2. The petitioner, who is arrayed as second accused in Crime No.166 of 2015 on the file of the respondent police, was arrested on 31.10.2015 for the alleged offences under Sections 419, 420, 120-B of IPC and Section 66-C, 66-D of Information Technology Act, 2000.

3. The learned counsel appearing for the petitioner would submit that the learned Judicial Magistrate No.II, Karaikal granted bail to the accused under Section 167(2)(a)(ii) Cr.P.C., on the ground that charge sheet has not been filed within the time frame and imposed a condition that the petitioner shall furnish security of Rs.1,00,000/- in order to ensure his appearance through out the proceedings. The learned

counsel appearing for the petitioner further submitted that the condition imposed by the learned Judicial Magistrate is onerous, which would prove that despite granting bail by the learned Judicial Magistrate on 12.01.2016, the petitioner is not able come out from jail till today.

4. The learned Additional Public Prosecutor vehemently opposed this petition and he has filed a detailed counter stating that considering the gravity of offence, the learned Judicial Magistrate imposed a condition, which does not requires any modification.

5. Considered the rival submission and upon perusing the records placed before this Court. It is an admitted fact that the petitioner was arrested on 31.10.2015. Though the learned Judicial Magistrate granted bail on 12.01.2016, the petitioner is still in custody, due to the reasons he is not able to furnish security for Rs.1 lakh.

6. In the above facts and circumstances of the case, this Court is inclined to delete the condition No.9(ix) of the order dated 12.01.2016 in CrI.M.P.No.05 of 2016. Expect the above modification, the other conditions remain unaltered.

7. The Criminal Original Petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate II,
Karaikal Puducherry

2. -do-Thro The Chief Judicial Magistrate,
Puducherry

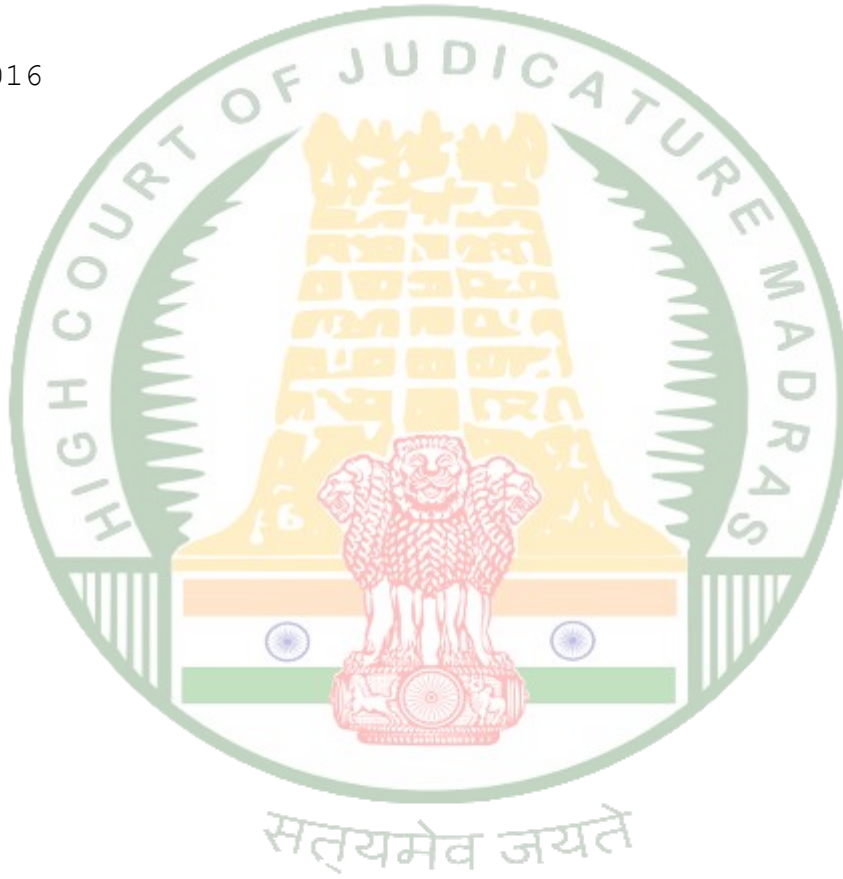
3.The Station House Officer,
Town Police Station, Karaikal Puducherry

4.The Public Prosecutor High Court Madras

+1 cc to Mr.P.Pugalanthi Advocate sr.9991/16

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