

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.21201 of 2016

M.Rajkumar

...

Petitioner/Accused No.16

Vs

The State, represented by
The Inspector of Police,
B1, Town Central Police Station,
Ooty.

Crime No.265 of 2016

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(1)b of the Code of Criminal Procedure to modify the condition (iii) in the order dated 12.04.2016 made in Crl.M.P.No.284 of 2016 on the file of the Principal District and Sessions Judge, Ooty, by permitting him to produce the residential certificate received from the Village Administrative Officer, West Madurai, dated 22.12.2014 instead of ration card as his proof.

For Petitioner :Mr.D.Gopal

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

ORDER

This Criminal Original Petition has been filed seeking a direction to modify the bail condition No.(iii) imposed in the order dated 12.04.2016, by the Principal District and Sessions Judge, Ooty in Crl.M.P.No.284 of 2016.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The petitioner was arrested by the respondent Police in Crime No.265 of 2016 for the offences under Sections 147, 148, 323, 307 r/w 3 of TNPPDL Act and was enlarged on bail by the orders of the District Sessions Judge, Ootacamund in Crl.MP.No.284 of 2016 on 12.04.2016, on condition that he shall

execute a bond for Rs.10,000/- with two sureties each for a like sum, and that the petitioner and the sureties should possess either Aadhaar Card or Ration Card.

4. It is seen that in the same order, the District Sessions Court, Ootacamund, had granted bail to four accused, of which, three of the accused have executed a bond and were released on bail. But, whereas this petitioner has not been able to avail the bail order, though it was passed as early as 12.04.2016. Hence, he is before this Court for modification of the bail conditions.

5. The learned counsel for the petitioner submitted that the petitioner neither has Aadhaar Card nor Ration Card and therefore, he was not able to comply with the condition imposed by the District Sessions Court, Ootacamund.

6. Accepting his submissions, condition No.3 in the order dated 12.04.2016 in Crl.MP.No.284 of 2016, passed by the District Sessions Judge, Ootacamund is modified as follows :

"The petitioner shall furnish the originals of the residence certificate to show his permanent residence in Madurai, and of the two sureties, one surety should be a blood surety. The sureties should produce the original Ration Card/Aadhaar Card along with the photocopies of the same at the time of executing the bond before the Judicial Magistrate, Ootacamund.

The rest of the conditions shall remain the same."

With the above modification, this petition is ordered accordingly.

सत्यमेव जयते

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To:

- 1.The District and Sessions Judge,
Ootacamund.
- 2.The Judicial Magistrate,
Ootacamund.
- 3.The Inspector of Police,
B1, Town Central Police Station,
Ooty.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Gopal, Advocate Sr.52572

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srg 16/09/2016



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