

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.21507 of 2016

M.Ganesh Kumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Gudalur Police Station,
Nilgiris District.
Crime No.244 of 2016

.... Respondent

Prayer:- Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C., to modify the condition i) the petitioner shall execute a bond for a sum of Rs.6,00,000/- along with two sureties each for a likesum in CMP.No.2312 of 2016 dated 07.06.2016 passed by the Judicial Magistrate, Gudalur, Nilgiris District.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr. C.Emalias
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to modify the condition that the petitioner shall execute a bond for a sum of Rs.6,00,000/- along with two sureties each for a like sum in CMP.No.2312 of 2016 dated 07.06.2016 passed by the District Munsif cum Judicial Magistrate, Gudalur, Nilgiris District.

2. It is seen that the petitioner's car bearing registration No.TN 99 F 0006 (PUNTO) was used for abduction by the accused in Crime No.244 of 2016 and the car has been recovered by the police.

3. The petitioner filed an application in Crl.MP.No.2312 of 2016 before the District Munsif cum Judicial Magistrate, Gudalur, under Section 451 r/w 457 of Cr.P.C. for release the car and the Magistrate, by an order dated 07.06.2016, granted an interim custody of the car to the petitioner on certain conditions, of which, the condition No.1 is as follow:-

" The Petitioner shall execute a bond for a sum of Rs.6,00,000/- (Rupees six lakhs only) along with two sureties each for a likesum."

4. Further, the Magistrate had also directed the petitioner

to produce the solvency for Rs.1,00,000/- (Rupees one lakh only) from the Tahsildar of the place, where, the petitioner resides.

5. The petitioner was not able to produce the solvency certificate and therefore, he filed a criminal miscellaneous petition in CrI.M.P.No.477 of 2016 before the District and Sessions Judge, The Nilgiris at Udhagamandalam for modification of Condition No.2 imposed by the District Munsif cum Judicial Magistrate, Gudalur, pursuant to which, the learned District and Sessions Judge, by order dated 04.07.2016, directed the petitioner to deposit a sum of Rs.50,000/- (Rupees fifty thousand only) in lieu of the production of the solvency certificate.

6. The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.50,000/- as directed by the Principal District and Sessions Judge, Udhagamandalam, but, the petitioner is not able to secure two sureties for Rs.6,00,000 (Rupees six lakhs only) as directed by the learned District Munsif cum Judicial Magistrate in CMP.No. 2312 of 2016 dated 07.06.2016.

7. Taking into consideration of the facts and circumstances of the case, this Court modifies the condition to the following effect;

1. The petitioner shall execute a bond for a sum of Rs.3,00,000/- (Rupees three lakhs only) along with one surety for the like sum.

2. 15 days time is extended from the date of receipt of a copy of this order, to deposit a sum of Rs. 50,000/- as directed by the District and Sessions Judge, The Nilgiris at Udhagamandalam in CrI.M.P.No.477 of 2016 on 04.07.2016.

8. Rest of the conditions imposed by the learned District Munsif cum Judicial Magistrate, Gudalur and Principal District and Sessions Judge, The Nilgiris at Udhagamandalam are maintained.

7. With the above direction, this criminal original petition is modified.

-sd/-
Assistant Registrar

Sub-Assistant Registrar

rts

To

1. The Inspector of Police,
Gudalur Police Station,
Nilgiris District.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The District Munsif cum Judicial Magistrate,
Gudalur.
3. The Principal District and Session Judge,
The Nilgiris, Udhagamandalam.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to MR.W.CAMYLES GANDHI Advocate SR.NO. 55882

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lrs[co]
RD 22/10/2016



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