

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.21763 of 2016

Dabaresh

.. Petitioner

Vs.

State: Sub-Inspector of Police,  
Denkanikkottai Police Station,  
Krishnagiri District,  
(Crime No.172/2016)

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to modify the condition imposed on the petitioner, he shall execute a without separate bond for sum of Rs.10,000/- with blood relative surety or execute a separate bond for sum of Rs.10,000/- each with two without blood sureties in Crl.C.M.P.No.1699 of 2016 on the file of the Judicial Magistrate, Denkanikkottai.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.C.Emalias  
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to modify the condition imposed on the petitioner that he shall execute a without separate bond for a sum of Rs.10,000/- with blood relative surety or execute a separate bond for sum of Rs.10,000/- each with two without blood relative sureties in Crl.C.M.P.No.1699 of 2016 on the file of the Judicial Magistrate, Denkanikkottai.

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

3. The petitioner was arrested on 07.04.2016 in Crime No.172 of 2016 and he was granted bail by the Judicial Magistrate, Denkanikkottai in Crl.C.M.P.No.1699 of 2016 on 27.07.2016 on condition that the petitioner should execute a bond for a sum of Rs.10,000/- with two sureties, of whom, one surety should be a

blood relative and the other surety should furnish a document worth of Rs.10,000/-to the satisfaction of the Magistrate.

4. The learned counsel for the petitioner submitted that though the bail was granted on 27.07.2016, the petitioner has not been able to avail the bail order, because the Magistrate is insisting that the parent of the petitioner should furnish property documents for Rs.10,000/- which they do not have. As regards, the similar condition for the other surety, the petitioner is prepared to produce the surety for Rs.10,000/- who has property document.

5. On a reading of the bail order dated 27.07.2016, it is seen that the Magistrate has not insisted upon property documents in respect of blood relative. The Magistrate has stated that the property should be furnished only in respect of the other surety viz., non blood relative. Therefore, it is not necessary that the parent of the petitioner should furnish a property document for Rs.10,000/-.

With the above clarification, this criminal original petition is closed with a direction to the Judicial Magistrate not to insist upon the property documents from the parent of the petitioner. It would suffice, if they furnish the correct address and document in support of their address.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Sub-Inspector of Police,  
Denkanikkottai Police Station,  
Krishnagiri District,

2.The Public Prosecutor,  
High Court, Madras.

+1cc to Ms.M.P.Saravanan, Advocate sr.56129

Cr1.O.P.No.21763 of 2016

cp[co]  
srg 03/10/2016