

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.OP.No.22036 of 2016

Viji @ Vijayan @Vijayakumar

... Petitioner/
Accused No.2

Vs

State Rep. by
The Inspector of Police,
Bhavani Police Station,
Erode District.
(Crime No.27 of 2016)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(1) (B) of Cr.P.C., praying to modify the condition (to deposit the original property document of the sureties till the disposal of the case) imposed in CMP.No.3381 of 2016 dated 18.08.2016 on the file of the Judicial Magistrate, Bhavani, in connection with the case in Crime No.27 of 2016 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.P.Yuaraj

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 by the Judicial Magistrate, Bhavani in C.M.P.No.3381 of 2016 in Crime No.27 of 2016 vide order dated 18.08.2016

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

3. It is seen that this petitioner was arrested and remanded to judicial custody on 10.06.2016 in Crime No.27 of 2016 for the offence under Sections 457, 380 r/w 3 of TNPPDL Act. He was granted bail under Section 167(ii) of IPC by the Judicial Magistrate, Bhavani on 18.08.2016 on various

conditions, one of which is that the sureties should deposit original documents with the Court until disposal of the case. Since nobody is coming forward to deposit their original documents, the petitioner has not been able to avail the bail order.

4. Under such circumstances, condition No.2 in the order dated 18.08.2016 passed by the Judicial Magistrate, Bhavani in C.M.P.No.3381 of 2016 is modified to the effect that the sureties should produce original documents and take it back after submitting photocopies of the same.

5. Apart from the conditions imposed by the Judicial Magistrate, Bhavani, this Court imposes further condition that after release on bail, if the petitioner absconds during trial, a fresh FIR can be registered against him under Section 229-A of IPC.

With the above modification and direction, this petition is ordered.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Judicial Magistrate,
Bhavani.
2. Do- Through The Chief Judicial Magistrate,
Erode.
3. The Inspector of Police,
Bhavani Police Station,
Erode District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.SP.Yuvaraj, Advocate, S.R.No.57169

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VGI (CO)
CA(05/10/2016)