

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.22211 of 2016

Viji @ Vijayakumar

.. Petitioner

Vs

State by
The Station House Officer /
Inspector of Police,
Ulundurpet Police Station,
Villupuram District.
(Crime No.341 of 2016)

.. Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(B) of Cr.P.C., praying to modify the condition of deposit of Rs.25,000/- and one government surety imposed in Crl.M.P.No.4864 of 2016 in Crime No.341/2016, order dated 22.09.2016 by the Principal Sessions Court, Villupuram.

For Petitioner : Mr.A.Ilaya Perumal
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the condition imposed by the learned Principal Sessions Judge, Villupuram by order dated 22.09.2016 in Crl.M.P.No.4864 of 2016 in Crime No.341 of 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 11.07.2016 in Crime No.341 of 2016 for the offence under Section 395 of IPC and the learned Principal Sessions Judge, Villupuram, was pleased to grant bail in Crl.MP.No.4864 of 2016 on 22.09.2016 on the following conditions :

"The petitioner is ordered to be released on bail on his depositing a sum of Rs.25,000/- as security before the lower Court as well as on his executing a bond for Rs.10,000/- with two sureties (one of the surety must be a Government servant) for a like sum to the satisfaction of the Judicial Magistrate No.I, Ulundurpet and on condition that the petitioner shall appear before the Judicial Magistrate No.I, Ulundurpet, daily at 10.00 a.m. until further orders."

4. The learned counsel for the petitioner submitted that no government servant is coming forward to stand surety for the petitioner and hence he is not able to avail the bail order.

5. The learned Additional Public Prosecutor submits that still some of the accused are in abscondence.

6. Taking into consideration the facts and circumstances in the case, this Court modifies the order to the effect that instead of government surety, it would suffice if one parent of the petitioner shall stand surety. Rest of the conditions remain the same.

7. However, this Court imposes yet another condition that in the event of the petitioner absconding after final report is filed, it is open to

file a fresh FIR against him under Section 229-A of IPC.

With the above modification, this petition is ordered.

03.10.2016

ds

Note : Issue order copy on 03.10.2016

P.N.PRAKASH, J.
ds

To

- 1.The Principal Sessions Judge,
Villupuram.
- 2.The Station House Officer /
Inspector of Police,
Ulundurpet Police Station,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

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