

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Crl.O.P.No.22631 of 2016
and
Crl.M.P.No.10541 of 2016

M.Anwartheen ... Petitioner/Petitioner/
Petitioner/Accused No.1

Vs.

State Rep by
The Inspector of Police
Gomangalam Police Station,
(Crime No.160 of 2015)
Coimbatore District. Respondent/Respondent/Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by the Principal District and Sessions Judge of Coimbatore in Cr.M.P.No.2209 of 2016, dated 29.09.2016 and modify the bail condition of executing a sum of Rs.2,000/- as bail bond as Rs.2,000/- and permit the petitioner to furnish ration card sureties without solvency certificate obtained from Deputy Tahsildar and not pressing the local surety instead of condition imposed in Crl.M.P.No.661 of 2016 on 06.02.2016 in Cr.No.160 of 2015 on the file of the Judicial Magistrate No.II, Pollachi until further orders.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

Heard both sides.

2. It is averred in the petition that the petitioner has been in custody from 06.11.2015. The trial Court as well as the Sessions Court, though granted bail stipulated to produce one of the sureties from the local jurisdiction of the Court and solvency certificate from a jurisdictional Deputy Tahsildar and petitioner is seeking modification with respect

to the above stipulations. He also seeks that the execution of bail bond from Rs.10,000/- is to be reduced to Rs.2000/- by the sureties.

3. The learned Additional Public Prosecutor submits that the petitioner does not have any permanent residence and therefore, the order with the above conditions need not be interfered with. He further contends that the petitioner has involved in 9 cases of similar nature.

4. The petitioner is stated to be native of Villupuram District. He has been released on bail in the case of Gomangalam Police Station, Coimbatore District. In that bail order, the trial Court stipulated the above mentioned conditions and the same was confirmed by the learned Sessions Judge.

5. The appearance of the accused is to be ensured for the trial, while making any stipulation in the bail order. To ensure appearance, the surety with authenticated photo identity card will be suffice and solvency certificate need not be insisted up on.

6. For the ends of justice, this Court is of the considered view that the stipulations made by the trial Court and confirmed by the Sessions Court are required to be modified as follows :

(i) In fine, the sureties are directed to execute a bond for Rs.5,000/- each.

(ii) Instead of local jurisdictional surety, any surety with authenticated photo identity card, viz., Aadhar Card (or) Voter ID (or) Driving License (or) Ration card.

(iii) The Solvency Certificate from Deputy Tahsildar need not be insisted and the same is dispensed with.

(iv) The other conditions stipulated in the said bail order remains unaltered.

This Criminal Original Petition is disposed of with the above modifications. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

tsvn

To

1. The Principal District & Sessions Judge,
Coimbatore.

2. The Judicial Magistrate No.II,
Pollachi.

3. The Inspector of Police
Gomangalam Police Station,
Coimbatore District.

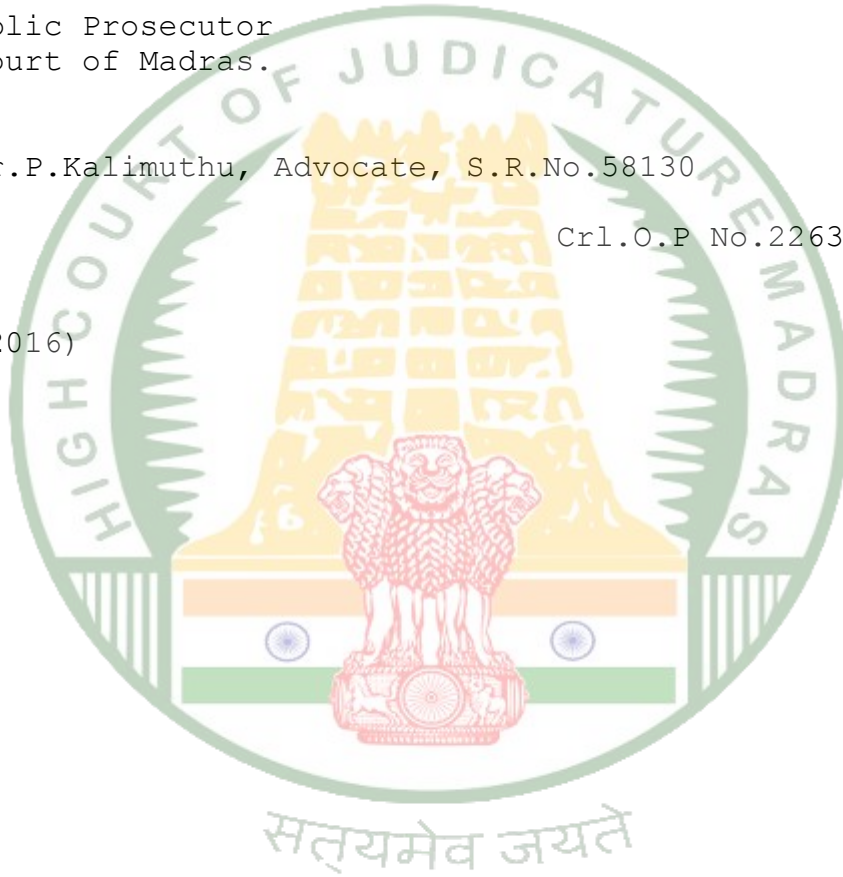
4. The Superintendent,
Central Jail,
Coimbatore.

5. The Public Prosecutor
High Court of Madras.

+1cc to Mr.P.Kalimuthu, Advocate, S.R.No.58130

CrI.O.P No.22631 of 2016

GR(CO)
CA(24/10/2016)



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