

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.22742 of 2016

1. Periyannan
2. Chandrasekaran ... Petitioners

Vs

State by
The Station House Officer,
Ulunduirpattai Police Station
Villupuram District. ... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., praying to modify the condition order to the petitioners shall deposit of Rs.25,000/- each petitioner and one of the surety must be a Government Servant into the Court order of the learned Sessions Judge, Villupuram in Crl.MP.NO.4707/2016 dated 22.09.2016 in Crime No.341/2016 on the file of the respondent.

For Petitioners : Mr.P.M.Jayachandran

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed with the following prayer:

"to modify the condition order to the petitioners shall deposit of Rs.25,000/- each petitioner and one of the surety must be a Government Servant into the Court order of the learned Sessions Judge, Villupuram in Crl.MP.NO.4707/2016 dated 22.09.2016 in Crime No.341/2016 on the file of the respondent."

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that the petitioners were arrested and remanded to judicial custody on 18.07.2016 in Crime No.341 of 2016 for offence under Section 395 IPC and the learned Principal Sessions Judge, Villupuram was pleased to grant bail in CrI.MP.No.4707 of 2016 on 22.09.2016 on the following conditions:

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

4. Learned counsel appearing for the petitioners submitted that no Government servant is coming forward to sign as a surety and hence the petitioners are not able to avail bail order.

5. Learned Additional Public Prosecutor submitted that some of the accused have absconded.

6. Taking into consideration the facts and circumstances of the case this Court modifies the order of the Court below to the effect that instead of surety by a Government servant, it would suffice if one of the parents shall stand as a surety. Rest of the conditions remain the same.

7. However, this Court imposes another condition that if the petitioner abscond after filing of the final report, it is open to the respondent police, to file a fresh FIR against them under Section 229-A IPC.

With the above modifications, this petition is ordered.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

mk

To

1. The Principal Sessions Judge, Villupuram

2. The Station House Officer,
Ulunduirpattai Police Station
Villupuram District.

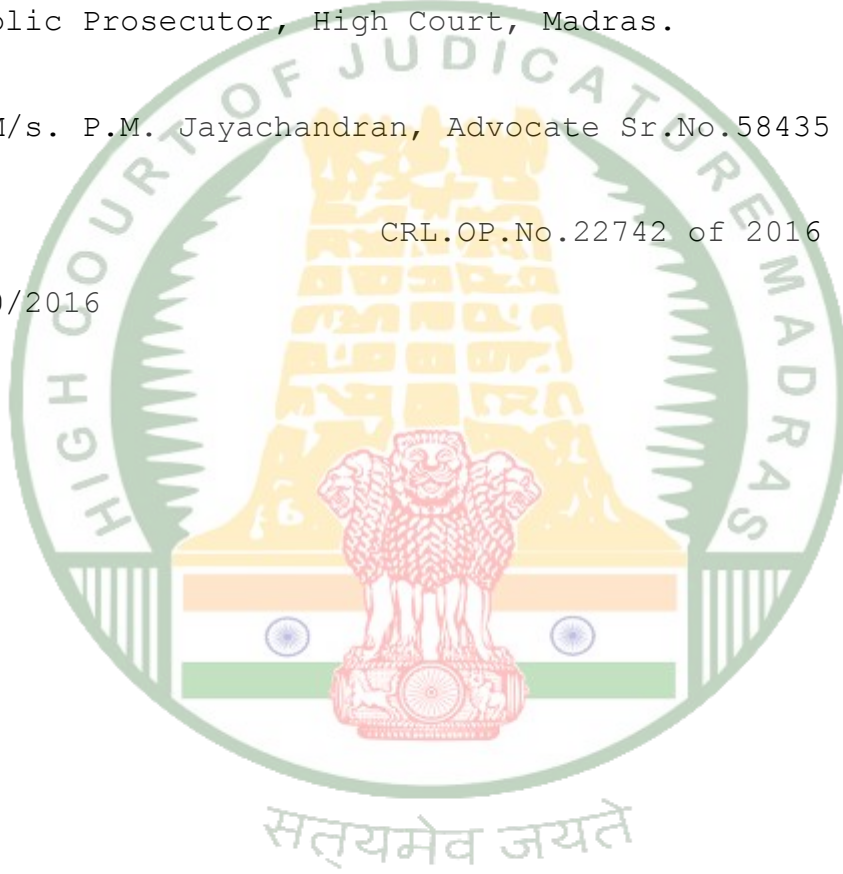
3 The Judicial Magistrate, No.I, Ulundurpet

4. The Public Prosecutor, High Court, Madras.

+1 CC to M/s. P.M. Jayachandran, Advocate Sr.No.58435

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MD : 18/10/2016



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