

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.23254 of 2016

Kunjan @ Chinnapaiyan @ Vetrivel .. Petitioner

Vs

State by the Station House Officer,
Ulundurpet Police Station,
Villupuram District.
Crime No.341/2016 .. Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. praying to modify the condition imposed by the Sessions Judge, Villupuram in Crl.MP.No.4834 of 2016 dated 22.09.2016 while granting bail to the petitioner in relation to the case registered as Crime No.341 of 2016 on the file of the respondent.

For Petitioner : Mr.C.Munusamy
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 Principal Sessions Judge, Villupuram in Crl.MP.No.4834 of 2016 dated 22.09.2016.

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 in Crime No.341 of 2016 for the offences under Section 395 of IPC and was remanded to judicial custody on 16.08.2016. The learned Principal Sessions Judge, Villupuram, granted bail to the petitioner in Crl.MP.No.4834 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 each to the satisfaction of 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 present petition has been filed for modification of the aforesaid condition on the ground that the petitioner is not able to secure any Government servant to stand surety for him.

5. Accepting the submission, the aforesaid condition is modified that, instead of government surety, one surety should be his parent. Rest of the conditions imposed by the said Court shall remain the same.

6. On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the petitioner in accordance with law, as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)AIR SCW 5560]. If the petitioner absconds during trial, it is open to file a fresh case against him under Section 229-A of IPC.

7. With the above modification, this Criminal Original Petition is ordered.

sd/-

सत्यमेव जयते
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1.The Principal Sessions Court,
Villupuram.

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

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Munusamy, Advocate Sr.No.59785

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MV (CO)
MD : 24/10/2016



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