

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.23809 of 2016

Liyakath Alihan

... Petitioner

Vs

The State rep. by
The Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crl.MP No.505 of 2016 dated 18.10.2016 in Crl.MP No.494 of 2016 dated 07.10.2016 in Crl.MP No.472 of 2016 dated 26.09.2016 on the file of the Sessions Judge (Fast Track Mahila Court), Namakkal and set aside the same and modifying the condition.

For Petitioner : Mr.A.S.Prabu

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

ORDER

This Criminal Original Petition has been filed seeking a direction to call for the records in Crl.MP No.505 of 2016 dated 18.10.2016 in Crl.MP No.494 of 2016 dated 07.10.2016 in Crl.MP No.472 of 2016 dated 26.09.2016 on the file of the Sessions Judge (Fast Track Mahila Court), Namakkal and set aside the same and modifying the condition.

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

3. The petitioner was arrested in Cr.No.257 of 2016 for the offences u/s 323, 364(A), 392 and 506 (ii) IPC. At the time of arrest, it was found that the petitioner was a child in conflict with law. Since he was involved in an heinous offence, the Juvenile Justice Board referred the case of the petitioner to the Sessions Court, (Fast Track Mahila Court/Children Court), Namakkal. The learned Sessions Judge, (Fast Track Mahila Court/Children Court), Namakkal was pleased to grant bail to the petitioner in Crl.MP No.472 of 2016 on 26.09.2016 on condition that his father should execute a bond along with one surety for a sum of Rs.10,000/- (Rupees ten thousand only). This condition was modified in Crl.MP No.494 of 2016 on 07.10.2016 to the effect that instead of the petitioner's father, the petitioner's mother shall furnish the bond. The petitioner filed an application before the Sessions Judge, (Fast Track Mahila Court/Children Court), Namakkal, submitting that neither his

father nor his mother is having immovable property worth Rs.10,000/- (Rupees ten thousand only) but they are ready and willing to deposit Rs.10,000/- (Rupees ten thousand only) as cash security. This plea was dismissed by the said Court on 18.10.2016 in CrI.MP No.505 of 2016, challenging which the petitioner is before this Court.

4. Mr.Jawahar, learned counsel for the petitioner reiterated the stand that was taken before the Sessions Court.

5. This Court gave its anxious consideration to the rival submissions.

6. The fact remains that the petitioner was arrested and sent to the Juvenile Home on 23.06.2016. He has been granted bail as early as 26.09.2016, despite which, he has not been able to avail the fruit of the bail order as none as his parents have property worth Rs.10,000/-.

7. Under such circumstances, this Court directs the the petitioner's parents to deposit a sum of Rs.10,000/- (Rupees ten thousand only) as cash security before the Fast Track Mahila Court, Namakkal in Cr.No.257 of 2016 and execute a joint personal bond for Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the Sessions Judge, Fast Track Mahila Court/Children Court, Namakkal. The learned Judge shall not insist the petitioner's parents to submit any property documents for Rs.10,000/- (Rupees ten thousand only). The petitioner's mother shall give an undertaking that she will produce the petitioner before the Juvenile Justice Board or any other Court as and when required, failing which the sum of Rs.10,000/- (Rupees ten thousand only) that has been deposited will stand forfeited.

With the above directions, the Criminal Original Petition is ordered accordingly.

सत्यमेव जयते

-s/d-

Assistant Registrar

true Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District.

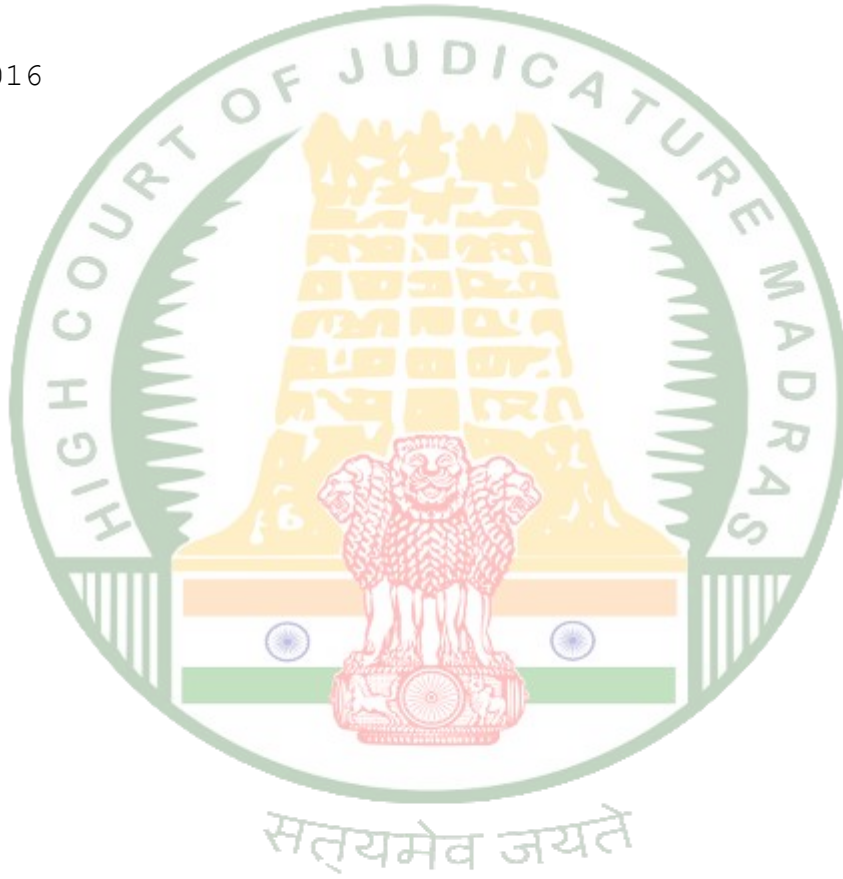
2. The Sessions Judge,
Fast Track Mahila Court/Children Court,
Namakkal.

3.The Public Prosecutor,
High Court, Chennai.

+1 cc to M/s.A.S.Prabu Advocate sr 60673

Cr1.OP.No.23809 of 2016

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