

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2016

CORAM

THE HONOURABLE Ms.JUSTICE R.MALA

Crl.OP.No.23967 of 2016

Venkatesan ... Petitioner/Accused

Vs

State rep by
Madathukulam Police Station,
Udumalpet,
Thiruppur District. ... Respondent/Complainant
Crime No.152 of 2016

Criminal Original Petition filed under Section 439[i][b] Cr.P.C., to modify the condition No.1 in the order passed by the learned Judicial Magistrate-II, Udumalpet in Crl.M.P.No.4561 of 2016 dated 13.10.2016.

For Petitioner : Mr.B.Kumarasamy
For Respondent : Mr.M.Mohamed Riyaz,
Govt. Advocate (Crl.side)

O R D E R

This petition has been filed to modify the condition imposed by the learned Judicial Magistrate-II, Udumalpet in Crl.M.P.No.4561 of 2016 dated 13.10.2016.

2. Heard the learned counsel for the petitioner; learned Additional Government Advocate [Crl. Side] appearing for the respondent and perused the materials placed on record.

3. Learned counsel for the petitioner would submit that this petitioner was arrested on 07.08.2016 in Crime No.152 of 2016 for an offence under Section 379 of IPC and is in judicial custody, since then. The petitioner moved Crl.M.P.No.4561 of 2016 before the learned Judicial Magistrate-II, Udumalpet for bail and the learned Judge, by order dated 13.10.2016, granted bail to the petitioner, on

the following conditions:

"[i] The petitioner should execute a bond to a tune of Rs.3,50,000/- with two sureties for a like sum along with the Solvency Certificate obtained from the Tahsildar and the sureties should be either his blood relative or close relative;

[ii] The petitioner has to produce document for proof of permanent residence;

[iii] The petitioner has to report before the respondent police daily twice at 10.00 a.m. and 5.00 p.m. until further orders, from the next day of his release from jail;

[iv] The petitioner should co-operate the I.O. for investigation;

[v] The petitioner has to appear before the court on receipt of summons."

4. It is the case of the petitioner that he would not be able to mobilise the said amount, on account of which, he continues to be under incarceration, though bail was granted as early as on 13.10.2016.

5. Learned Government Advocate [Crl. Side] would submit that a sum of Rs.3,40,000/- has been recovered from the petitioner and the same was returned to the de facto complainant.

6. Considering the same, the conditions imposed by the learned Judicial Magistrate-II, Udumalpet in Crl.M.P.No.4561 of 2016, is modified to the effect that the petitioner should execute a bond to a tune of Rs.25,000/- and out of two sureties, one must be a blood relative. Rest of the conditions remain unaltered.

This petition for modification is ordered accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya

To

1.The Judicial Magistrate-II,
Udumalpet.

2 Do thro The Chief Judicial Magistrate,

Turippur

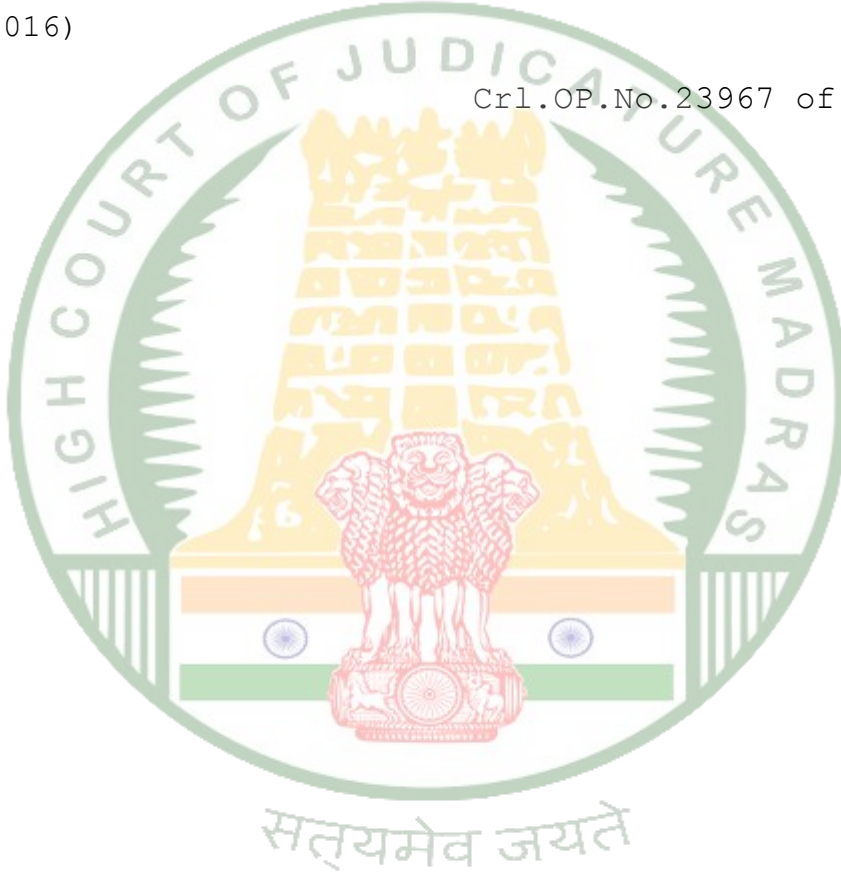
3.The Inspector of Police,
Madathukulam Police Station,
Udumalpet, Thiruppur District.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr. B. Kumarasamy, Advocate Sr.No.68810 (01/12/2016)

mg(CO)
md(30/11/2016)

Cr1.OP.No.23967 of 2016



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