

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.24932 of 2016

Rajajagadeesh ...Petitioner/Accused 2

Vs.

State Represented by
The Inspector of Police
C-3, Saibaba Colony Police Station,
Coimbatore. ... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to modify the part of the condition No.(i) imposed on the petitioner by the Principal District and Sessions Judge at Coimbatore in Crl.M.P.No.2542 of 2016 dated 26.10.2016.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.C. Emalias
Addl. Public Prosecutor

O R D E R

This criminal original petition has been filed to modify the condition dated 26.10.2016 imposed by the Principal District and Sessions Judge at Coimbatore in Crl.M.P.No.2542 of 2016.

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

3. It is seen that this petitioner was granted bail by the Principal District & Sessions Judge, Coimbatore on 26.10.2016 on certain conditions, one of which, is as follows:-

"the petitioners in the respective petitions are ordered to be enlarged on bail on their executing a bond for Rs.10,000/- each with two sureties (one surety must produce one original title deeds stands in his / her name) for a like sum each to the

satisfaction of Judicial Magistrate No.7,
Coimbatore".

Challenging the said condition, the petitioner is before this Court.

4. Learned counsel appearing for the petitioner submitted that nobody with original title deeds is coming forward to stand as a surety for the petitioner and that the petitioner is ready to produce blood relatives or his wife as surety .

5. The Principal District and Sessions Judge, Coimbatore has stated that some of the accused are from Karnataka and that is the reason why he insisted that one of the sureties must produce original title deeds standing in his name.

6. Per contra, learned Additional Public Prosecutor submitted that the petitioner hails from Cuddalore in Tamil Nadu and not from Karnataka and there are no previous cases against the petitioner.

7. The fact remains that the petitioner was granted bail as early as on 26.10.2016 and the petitioner was not able to enjoy the fruits of the bail since then. Under such circumstance, the aforesaid condition is modified to the effect that the petitioner is ordered to be enlarged on bail, after he executing a bond for Rs.10,000/- with two sureties and one of the sureties to be a local surety and the other surety should be his wife or his parents for the like sum to the satisfaction of the Judicial Magistrate No.7, Coimbatore. Rest of the conditions imposed by the Principal District and Sessions Judge, Coimbatore shall remain the same.

8. However, this Court imposes another condition that if the petitioner absconds, after release on bail, it is open to the trial Court to have a fresh FIR registered against him under Section 229-A IPC.

With the above modification, this petition is ordered.

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Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

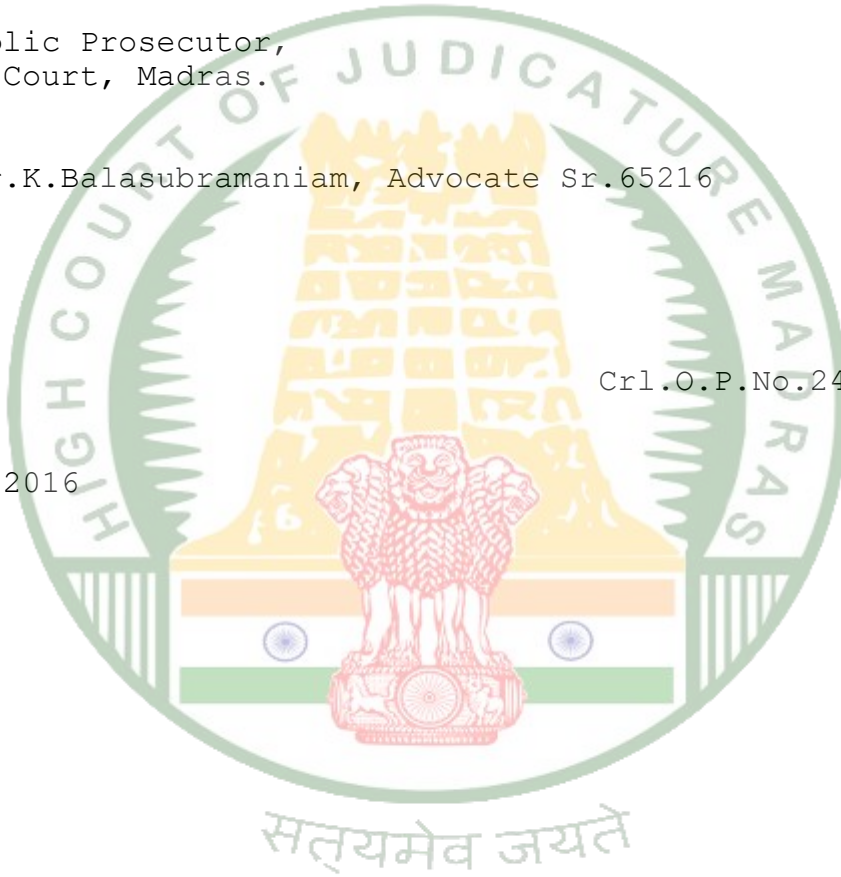
To

1. The Principal District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate No.7,
Coimbatore.
3. The Inspector of Police
C-3, Saibaba Colony Police Station,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Balasubramaniam, Advocate Sr.65216

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