

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.27314 of 2016

Batch @ Mohamed @
Yunus Ahamed

... Petitioner / Accused

Vs

State, represented by
The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District. Respondent / Respondent
(Crime No.55/2016)

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed by the learned Principal District and Sessions Judge of Coimbatore in C.M.P.No.2964 of 2016 dated 1.12.2016 and modify the condition No.1 imposed so as enable to comply with the condition No.1 of the order passed by lower court and thereon that is directing the court concerned not insist and pressure the petitioner to produce the solvency certificate and one surety must be a relative of the petitioner and other surety must be a Government servant property documents for the value of vehicle in connection with Crime No.55 of 2016 on file of the respondent.

For Petitioner : Mr.P.Kalimuthu

For respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed to set aside the order passed by the learned Principal District and Sessions Judge of Coimbatore in C.M.P.No.2964 of 2016 dated 1.12.2016 and modify the condition No.1 imposed so as enable to comply with the condition No.1 of the order passed by lower court and thereon that is directing the court concerned not insist and pressure the petitioner to produce the solvency certificate and one surety must be a relative of the petitioner and other surety must be a Government servant property documents for the value of vehicle in connection with Crime No.55 of 2016 on file of the respondent.

2. It is the case of the petitioner that he was granted bail by the learned Principal District and Sessions Judge, Coimbatore in Crl.M.P.No.2964 of 2016 on 1.12.2016 on certain conditions. One of the conditions is that the petitioner shall execute a bond for a sum of Rs.10,000/- with two solvent sureties (one surety must be a relative of the petitioner and the other surety must be a Government servant) for a like sum to the satisfaction of the Judicial Magistrate No.7, Coimbatore. Since the petitioner and his parents are not having any immovable property, he is not able to comply with the said order and hence, he is not in a position to come out on bail. Hence, the petitioner has come up with the present petition seeking modification of the said condition.

3. Learned Additional Public Prosecutor has no serious objection to modify the said condition imposed on the petitioner.

4. Considering the facts and circumstances of the case, this Court is inclined to modify the said condition to the effect that instead of Government Servant surety, the petitioner shall furnish one more surety.

5. Accordingly, the condition imposed on the petitioners in Crl.M.P.No.2964 of 2016 dated 1.12.2016 by the learned Principal District and Sessions Judge of Coimbatore, viz., "the petitioner is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two solvent sureties (one surety must be a relative of the petitioner and the other surety must be a Government servant) for a like sum to the satisfaction of the Judicial Magistrate No.7, Coimbatore," is modified as follows:-

" the petitioner is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with three sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.7, Coimbatore,"

The other conditions shall remain unaltered. The criminal original petition is ordered accordingly.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

sbi

To

1.The Principal District and Sessions
Judge of Coimbatore,

2. The Judicial Magistrate No.7
Coimbatore

3. do thro the Chief Judicial Magistrate
Coimbatore

4.The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.

5.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.P. Kalimuthu, Advocate, Sr. 76005

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RSY (CO)
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