

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.27344 of 2016

Sathish

... Petitioner/Accused 5

Vs

The State, rep by
The Inspector of Police,
Negamam Police Station,
Coimbatore City.

... Respondent/Complainant 1

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed by learned Judicial Magistrate No.2, Pollachi, in C.M.P.No.5108 of 2016 dated 9.9.2016 with condition that the petitioner is ordered to be enlarged on bail on his executing a bond of Rs.10,000/- and with two sureties (one surety shall be either parents or wife of the petitioner and the other surety must have residence within the Jurisdiction of the Court concerned) and the petitioner is also directed to produce solvency certificate to the satisfaction of the Judicial Magistrate No.2, Pollachi along with other conditions and the same was confirmed on 25.10.2016 by the learned Principal District and Sessions Judge, Coimbatore in C.M.P.No.2601 of 2016.

For Petitioner : Mrs.R.Radha Pandian
For respondent : Mr.C.Emalias,
Addl. Public Prosecutor

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ORDER

The present criminal original petition has been filed to modify the condition imposed by the learned Judicial Magistrate No.2, Pollachi, in C.M.P.No.5108 of 2016 dated 9.9.2016, which was confirmed by the learned Principal District and Sessions Judge, Coimbatore, in C.M.P.No.2601 of 2016 dated 25.10.2016.

2. It is the case of the petitioner that he moved a petition for bail before the learned Judicial Magistrate No.2, Pollachi, in C.M.P.No.5108 of 2016 and the learned Magistrate, by order dated 9.9.2016, granted bail to the petitioner on certain conditions. One of the said conditions is that he shall produce solvency certificate to the satisfaction of the learned Judicial Magistrate No.2, Pollachi, along with other conditions. Seeking modification of the said condition, the petitioner approached the learned Principal District and Sessions Judge, Coimbatore, by filing C.M.P.No.2601 of 2016 and the learned Judge, by order dated 25.10.2016, dismissed the said petition. Since the petitioner is not having any immovable property in his name, he is unable to comply with the said condition. Hence, he has come forward with the present petition seeking modification of the said order.

3. Learned Additional Public Prosecutor has no serious objection in allowing the petition.

4. Considering the facts and circumstances of the case, this Court is inclined to modify the said condition imposed on the petitioner. Accordingly, the condition imposed by the learned Judicial Magistrate No.2, Pollachi, in C.M.P.No.5108 of 2016 dated 9.9.2016 viz., "the petitioner shall produce solvency certificate to the satisfaction of the learned Judicial Magistrate No.2, Pollachi, along with other conditions" is hereby deleted. The other conditions shall remain unaltered. The criminal original petition is ordered accordingly.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sbi

To

1.The Principal District Sessions Judge,
Coimbatore.

2.The Judicial Magistrate No.2,
Pollachi.

3.Do Thro The Chief Judicial Magistrate,
Coimbatore.

4.The Inspector of Police,
Negamam Police Station,
Coimbatore City.

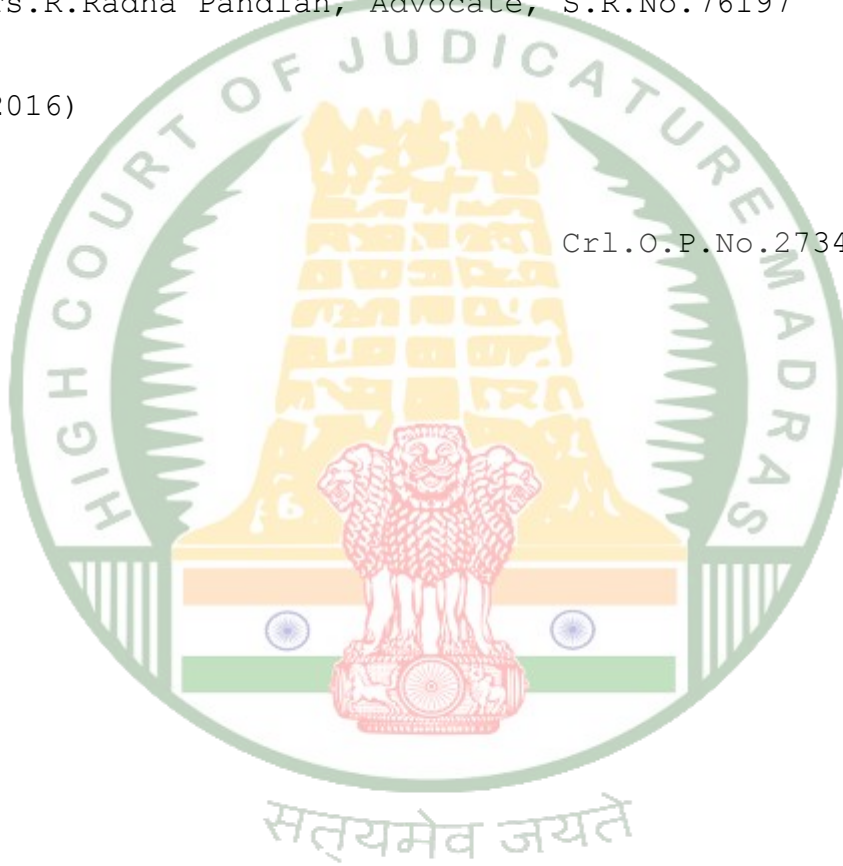
5.The Boston School,
Pollachi.

6.The Public Prosecutor,
High Court, Madras.

+1cc to Mrs.R.Radha Pandian, Advocate, S.R.No.76197

kk(CO)
sk(23/12/2016)

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