

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.No.3290 of 2016

Meghnath Naskar

... Petitioner

Vs.

State by

The Inspector of Police, (Crime)

B-1, Bazaar Police Station,

Coimbatore.

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code to modify the conditions that (i) the two sureties must be parents and brothers and sisters or any other blood relatives, (ii) the petitioner shall deposit a property document with duly attested by Tahsildar and the same has to be translated in Tamil which have been imposed on him by the learned Judicial Magistrate No.V, Coimbatore, in Crl.M.P.No.5589 of 2015 by order dated 31.08.2015.

Petitioner : Mr.S.Sasikumar

For Respondent : Mr.M.Mohamed Riyaz
Govt. Advocate (Crl. Side)

S.Vinod for Shreshta for
intervinor

ORDER

The learned Judicial Magistrate No.V, Coimbatore, while granting bail in Crl.M.P.No.5589 of 2015 dated 31.08.2015, has imposed the following conditions (i) that the petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Court, (ii) the petitioner shall appear and sign before the respondent police daily at 10.30 a.m., and 5.00 p.m., until further orders, (iii) the two sureties must be parents and brothers and sisters or any other blood relatives, (iv) the petitioner shall deposit a property document with duly attested by Tahsildar and the same has to be translated in Tamil and (v) the petitioner shall produce the residence certificate and the same has to be translated in Tamil.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a goldsmith and he was working under the defacto complainant for more than eight years. It is further submitted that since the petitioner belongs to the state of West Bengal, he is not able to furnish the property document as imposed by the learned Judicial Magistrate. He further submits that the petitioner is ready to comply with the other conditions.

3. The learned counsel appearing for the intervenor vehemently opposed to modify the condition by contending that the accused has committed theft of jewels and diamond worth about Rs.33 lakhs. He further submitted that since the accused belongs to State of West Bengal, if he is released on bail, he would not be made available for trial.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

5. It is to be noted that the trial Court has granted bail under Section 167(2) Cr.P.C. While granting statutory bail, the learned Judicial Magistrate has imposed the conditions. Though the petitioner was granted bail on 31.08.2015, due to non compliance of certain conditions, still he is in judicial custody.

6. Considering the above facts and circumstances of the case, the condition No.4 imposed by the learned Judicial Magistrate, Coimbatore with regard to deposit of a property document with duly attested by Tahsildar and the translated copy, is hereby deleted. The other conditions imposed by the learned Judicial Magistrate shall remain unaltered.

7. In view of the above modification, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

rrg

To

1.The Inspector of Police, (Crime)
B-1, Bazaar Police Station,
Coimbatore.

2.The Judicial Magistrate No.V
Coimbatore.

3. -do-Thro'The Chief Judicial Magistrate,
Coimbatore.

4.The Superintendent,
Central Prison, Coimbatore.

5.The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s. S.Sasikumar, Advocate, sr.10370

+ 2 ccs to S.Vinod, Advocate Sr 2388 (1/3/16)

Cr1.O.P.No.3290 of 2016

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kra 23.02.2016



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