

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3368 of 2016

Nagamanickam ... Petitioner /2nd Accused
Vs

State Rep. By
The Inspector of Police,
B-6, Coimbatore,
Coimbatore District.
(Crime No.277 of 2015) ... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to modify the condition imposed on them in the Order in Crl.M.P.No.3495 of 2015 dated 14.12.2015, that's the petitioner executing a bond for Rs.1,00,000/- with two sureties each, (one of the sureties must be a government servant and another surety must produce original sale deeds stands in his name) for like sum each to the satisfaction of the Principal District and Sessions Judge, Coimbatore.

For Petitioner : Mr.M.Easan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to modify the condition imposed on the petitioner in Crl.M.P.No.3495 of 2015 dated 14.12.2015, by the learned Principal District and Sessions Judge, Coimbatore.

2. The learned counsel for the petitioner submitted that the petitioner was enlarged on bail subject to certain conditions and one of the conditions was that the petitioner shall execute a bond for a sum of Rs.1,00,000/- with two sureties (one surety must be a Government servant and another surety must produce original sale deed stands in his name) for a like sum each to the satisfaction of Principal District and Sessions Judge, Coimbatore. The learned counsel for the petitioner further submits that since the petitioner is working as Sweeper in the Coimbatore Fish Market and he did not have any

personal property , he is unable to comply with the said condition. Hence, the petitioner has come forward with petition to modify the condition imposed on him in Crl.M.P.No.3495 of 2015 dated 14.12.2015. The learned counsel for the petitioner further submits that though the case has been registered under Section 10 of Unlawful Activities (Prevention) Act, 1967, the Division Bench of this Court in Crl.A.No.552 of 2015 has held that the provision of Section 10 of Unlawful Activities (Prevention) Act, 1967 will not be applicable to the case in Crime No.277 of 2015.

3. The learned Additional Public Prosecutor submits that the petitioners are Maoist and they are indulged in unlawful activities. He further submits that on the basis of the averments in the F.I.R., the trial Court has rightly imposed the conditions against the petitioner. Hence, he prays for dismissal of this petition.

4. Considering the rival submissions made on either side and on perusal of the typed set of papers, this Court is of the view that the first condition imposed on the petitioner may be modified.

5. Accordingly, the first condition imposed on the petitioner is modified to the effect that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (one surety must be a Government servant and another surety must produce original sale deed stands in his name) for a like sum each to the satisfaction of Principal District and Sessions Judge, Coimbatore. It is made clear that the other conditions imposed by the learned Principal District and Sessions Judge, Coimbatore, stand unaltered.

6. With the above observation, this Criminal Original petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
B-6, Coimbatore,
Coimbatore District.

2.The Principal District and Sessions Judge,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Easan, Advocate Sr.22405

Crl.O.P.No.3368 of 2016

rv(CO)
srg (15.04.2016)



WEB COPY