

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.No.4576 of 2016

Anwartheen ... Petitioner/Accused

Vs.

State by
The Inspector of Police.
Gomanaglam Police Station,
Cuddalore District. ... Respondent/Complainant

Prayer: Petition filed under Section 439(1)(b) of the Criminal Procedure Code to modify the bail condition imposed in C.M.P.No.661 of 2016 dated 06.02.2016 by the learned Judicial Magistrate No.II, Pollachi.

Petitioner : Mr.C.D.Sugumar
For Respondent : Mr.M.Mohamed Riyaz
Government Advocate (Crl.side)

ORDER

This criminal original petition is filed to modify the bail condition imposed in C.M.P.No.661 of 2016 dated 06.02.2016 by the learned Judicial Magistrate No.II, Pollachi.

2. The petitioner, who is arrayed as accused in Crime No.160 of 2015 on the file of the respondent police, was arrested on 06.11.2015 for the alleged offences under Sections 294(b) and 307 of IPC.

3. The learned counsel appearing for the petitioner would submit that the learned Judicial Magistrate No.II, Pollachi granted bail to the accused and imposed conditions to execute bail bond for Rs.10,000/- and two sureties and one of the sureties should be the wife or parents of the petitioner. The learned Magistrate has also imposed further condition that the sureties should get the surety certificate from the jurisdictional Deputy Tahsildar. The learned counsel appearing

for the petitioner further submitted that the condition imposed by the learned Judicial Magistrate is onerous, which would prove that despite granting bail by the learned Judicial Magistrate on 06.02.2016, the petitioner is not able come out from jail till today.

4. The learned Additional Public Prosecutor vehemently opposed this petition contending that the petitioner is involved in previous cases for the offence under Section 302 IPC, house breaking case and also involved in the case of 307 of IPC. Considering the gravity of offence, the learned Judicial Magistrate imposed the condition, which does not require any modification.

5. In the above facts and circumstances of the case, this Court does not find any reason to modify the condition imposed by the learned Magistrate and hence, the Criminal Original Petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
Gomanagalam Police Station,
Coimbatore District

2.The Judicial Magistrate NO.II
Pollachi

3.The Public Prosecutor High Court
Madras

4.The Chief Judicial Magistrate,
Coimbatore

5.The Public Prosecutor HighCourt,
Madras

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