

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.No.4579 of 2016

1.Anwartheen
2.Vijayakumar @ Kuttai Vijayan ... Petitioners/Accused

Vs.

State by
The Inspector of Police.
Gomanaglam Police Station,
Coimbatore 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.662 of 2016 in Crime No.150 of 2015, 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.662 of 2016 dated 06.02.2016 by the learned Judicial Magistrate No.II, Pollachi.

2. The petitioners who were arrayed as accused in Crime No.150 of 2015 on the file of the respondent police, were arrested on 06.11.2015 for the alleged offences under Sections 294(b) and 307 of IPC.

3. The learned counsel appearing for the petitioners 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 petitioners. 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 petitioners 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 petitioners are not able to come out from jail till today.

4. The learned Additional Public Prosecutor vehemently opposed this petition and states that the petitioners are involved in the offence of one 302 IPC and a house breaking case, also involved in the case of 307 of IPC and considering the gravity of offence, the learned Judicial Magistrate imposed a condition, which does not requires 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.
smi

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

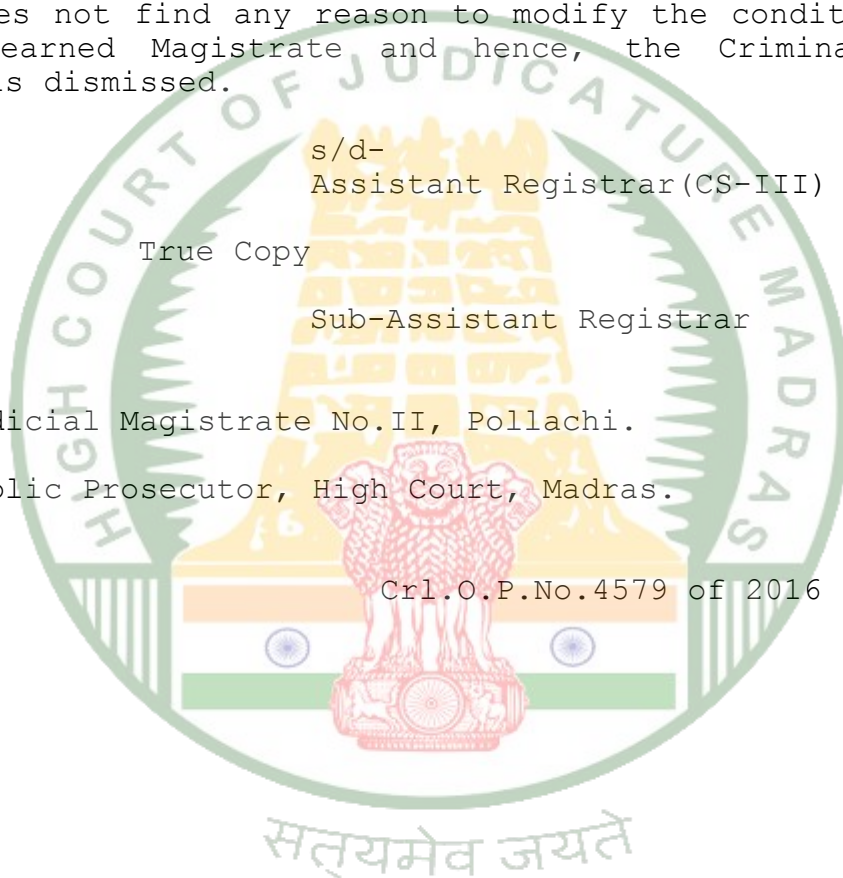
To,

1. The Judicial Magistrate No.II, Pollachi.

2. The Public Prosecutor, High Court, Madras.

svi(co)
prk30/3

Cr1.O.P.No.4579 of 2016



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