

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-01-2016

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Original Petition Nos. 958, 983 and 979 of 2016

Ravi @ Ravikumar

.. Petitioner in all the Petitions

Versus

State represented by Inspector of Police
R-9, Valasaravakkam Police Station
Chennai - 600 087

..Respondent in all the Petitions

Crl.OP No. 958 of 2016:- Criminal Original Petition filed under Section 439 (1) (b) praying to modify the conditions imposed in C.M.P. No. 6156 of 2015 dated 30.11.2015 in Crime No.3311 of 2015 on the file of respondent police.

Crl.OP No. 983 of 2016:- Criminal Original Petition filed under Section 439 (1) (b) praying to modify the conditions imposed in C.M.P. No. 6157 of 2015 dated 30.11.2015 in Crime No.3319 of 2015 on the file of respondent police.

Crl.OP No. 979 of 2016:- Criminal Original Petition filed under Section 439 (1) (b) praying to modify the conditions imposed in C.M.P. No. 6155 of 2015 dated 30.11.2015 in Crime No.3289 of 2015 on the file of respondent police.

For Petitioners : Mr. E. Kannan
in all the petitions

For Respondent : Mr. K. Prabakar
Government Advocate (Crl.side)
in all the petitions

COMMON ORDER

All these petitions have been filed by the one and the same petitioner, seeking to modify the conditions imposed by the court below in the common order dated 30.11.2015 while granting in favour of the petitioner.

2. It is seen from the records that as against the petitioner, three cases have been registered in (i) Crime No. 3311 of 2015 for the offences punishable under Sections 341, 384

and 506 (ii) of IPC (ii) Crime No. 3289 of 2015 for the offences punishable under Section 392 of IPC and (iii) Crime No. 3319 of 2015 for the offences punishable under Sections 341, 294 (b), 427, 336, 392 read with 397 and 506 (ii) of IPC. All these cases have been registered against the petitioner by the respondent police. In connection with the registration of the above cases, the petitioner was arrested and remanded to judicial custody on 29.08.2015 by the learned Judicial Magistrate No.1, Poonamallee. Upon arrest, the petitioner has filed three Petitions in Crl.M.P. No. 6156, 6155 and 6157 respectively seeking bail. The petitioner was granted bail by the learned Judicial Magistrate No.1, Poonamallee subject to certain conditions in and by separate order dated 30.11.2015. As regards the conditions imposed against the petitioner, the petitioner was directed to execute a bond for Rs.10,000/- together with two sureties each for like sum, out of which one surety shall be blood relative and one surety shall possess immovable property and to produce the proof of residence and produce title document for verification. The petitioner was also directed to appear before the respondent police daily at 10.30 am for a period of thirty days.

3. The learned counsel for the petitioner would contend that the conditions imposed on the petitioner in the order dated 30.11.2015 by the learned Judicial Magistrate No.1, Poonamallee are onerous. It is further stated that the petitioner could not comply with the condition relating to execution of surety by three of his blood relatives and also sureties who could produce title documents in each of the case. According to the counsel for the petitioner, the conditions imposed on the petitioner while granting bail by the court below would tantamount to denying the bail in favour of the petitioner. Therefore, the counsel for the petitioner seeks to modify the order dated 30.11.2015 and to allow the Criminal Original Petitions.

4. On the above submission of the counsel for the petitioner, this Court heard the learned Government Advocate (Crl.side) appearing for the respondent.

5. Having regard to the submission of the counsel for the petitioner and the fact that the petitioner is one and the same person in all the three cases and he could not execute sureties by three of his blood relatives and also to furnish immovable property security in all the three cases, I am inclined to modify the orders dated 30.11.2015 passed in C.M.P. No. 6156 of 2015, C.M.P. No. 6157 of 2015 and C.M.P. No. 6155 of 2015 respectively on the file of the learned Judicial Magistrate No.1, Poonamallee as under:-

"The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties in each of the three cases, out of which one surety must be a close relative. Further, both the two sureties in the three cases shall produce proof of identity as well as proof of residence. Apart from the above two sureties, the petitioner shall execute one more surety, who shall be a government servant as a common surety for all the three cases"

6. It is made clear that the condition imposed by the learned Judicial Magistrate No.I, Poonamallee directing the petitioner to appear before the respondent police daily at 10.30 am for 30 days shall remain unaltered. Accordingly, all the three Criminal Original Petitions are disposed of.

rsh/gya

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.I
Poonamallee
2. do thro the Chief Judicial Magistrate,
Chengalpattu.
3. The Inspector of Police,
R9, Valasaravakkam Police Station,
Chennai 87.
4. The Public prosecutor,
High Court, Madras.

+ 3 ccs to Mr.Kannan, Advocate SR 3127, 3128 & 3129

mg(co)
prk28/1

CrIOP Nos. 958, 979 & 983/2016