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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl.O.P(MD)No.13684 of 2016

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: Petitioner

Vs.

State through
The Inspector of Police,
Railyway Police Station,
Madurai.
(Crime No.18 of 2016)

: Respondent

Prayer: Criminal Original Petition is filed under Section 439(i)(b) of the Criminal Procedure Code praying to modify the condition imposed by the learned Judicial Magistrate No.VI, Madurai in Cr.M.P.No.2887 of 2016 dated 27.06.2016.

For Petitioner : Mr.G.Velumani

For Respondent : Mr.P.Kannithevan,
Government Advocate (Crl.side).

O R D E R

This petition has been filed praying to modify the condition imposed on the petitioner in the order dated 27.06.2016 passed in Cr.M.P.No.2887 of 2016 by the learned Judicial Magistrate No.VI, Madurai.

2.It is averred in the petition that the petitioner has been arrayed as an accused in Crime No.18 of 2016 on the file of the respondent police for the offences punishable under Sections 328 and 379 IPC. The petitioner is in judicial custody from 28.03.2016. The petitioner has moved a petition before the Judicial Magistrate No.VI, Madurai in Cr.M.P.No.2887 of 2016 for bail and the learned Judicial Magistrate No.VI, Madurai, after hearing both sides, enlarged the petitioner on bail with certain conditions vide order dated 27.06.2016 and one of the said conditions is that one of the surety should be a family member of the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is in judicial custody from 28.03.2016 and the entire family members of the petitioner are residing at interior hill area in Jammu and Kashmir and therefore he is not able to comply with the condition imposed by the learned Judicial Magistrate and therefore, the condition imposed on the petitioner by the learned Judicial Magistrate No.VI, Madurai, may be modified.

<https://hcservices.ecourts.gov.in/hcservices/> 4.The learned Government Advocate (Crl.Side) submitted that after considering the facts and circumstances of the case, the learned Judicial Magistrate No.VI, Madurai, enlarged the petitioner on bail with



a specific condition that one of the surety should be a family member of the petitioner and the same requires no interference.

5. From the materials available on record, it is seen that the learned Judicial Magistrate No.VI, Madurai, enlarged the petitioner on bail with a specific condition that one of the surety should be a family member of the petitioner. The contention put forth on the side of the petitioner is that the entire family members of the petitioner are residing at interior hill area in Jammu and Kashmir.

6. Considering the above said facts, this Court is inclined to modify the said condition to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum and the other condition imposed on the petitioner remains unchanged. The Criminal Original Petition is disposed of accordingly.

Sd/
Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.VI,
Madurai

2. The Inspector of Police,
Railway Police Station,
Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.P.Balamurugan, Advocate in SR.No.41761

ORDER MADE IN
Crl.O.P(MD)No.13684 of 2016
03.08.2016

smn

PA/GSV-PM/SAR III/08.08.2016/2P/5C