



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl.O.P(MD)No.14346 of 2016

Ranjani : Petitioner/Sole Accused

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy City.
(Crime No.14 of 2016)

: Respondent/ Complainant

Prayer: Criminal Original Petition is filed under Section 439(1) (b) of the Criminal Procedure Code praying to modify the condition Nos.1 and 2 of the bail order dated 25.07.2016 imposed upon the petitioner by the learned Judicial Magistrate No.II, Trichy in Crl.M.P.No.4037 of 2016.

For Petitioner : Mr.T.Leninkumar

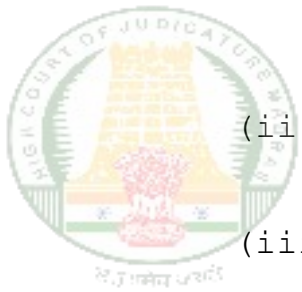
For Respondent : Mr.P.Kannithevan,
Government Advocate (Crl.side).

O R D E R

This petition has been filed praying to modify the condition Nos.1 and 2 imposed on the petitioner in the order dated 25.07.2016 made in Crl.M.P.No.4037 of 2016 by the learned Judicial Magistrate No.II, Trichy.

2.It is averred in the petition that the petitioner has been arrayed as an accused in Crime No.14 of 2016 on the file of the respondent police for the offences punishable under Sections 4 (1) (, 4(2)(c) of ITP Act. The petitioner herein has moved a petition before the learned Judicial Magistrate No.II, Trichy in Cr.M.P.No.4037 of 2016 for bail and the learned Judicial Magistrate No.II, Trichy, after hearing both sides, enlarged the petitioner on bail, vide order dated 25.07.2016 on the following conditions:

- (i) 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 sureties should be Government servants.



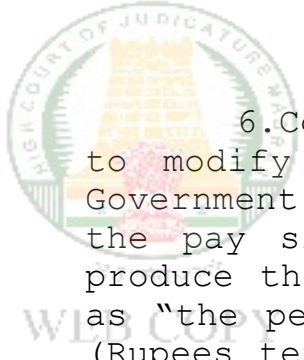
- (ii) such sureties shall produce the pay slips issued by their higher officials and also shall produce their identity cards.
- (iii) the petitioner shall report before the respondent police daily at 10.00 a.m. and 05.00 p.m. until further orders.
- (iv) the petitioner shall not tamper with evidence or witness.
- (v) the petitioner shall appear before the Investigation Officer as and when required for interrogation and shall cooperate with the enquiry.
- (vi) the petitioner shall not leave Trichy District without the prior permission of the Court.
- (vii) On breach of any of the aforesaid conditions, the bail granted in favour of her, shall stand cancelled.

According to the petitioner, the condition Nos.1 and 2 mentioned in the order passed by the learned Judicial Magistrate are onerous and therefore she has come up with the present petition.

3.The learned counsel for the petitioner submitted that the conditions directing to furnish two Government servants as sureties and such sureties shall produce the pay slips issued by their higher officials and also shall produce their identity cards, are onerous and in fact the imposition of the said conditions amounts to denial of bail and in number of Judgments, the Hon'ble Supreme Court and this Court held that while enlarging the accused on bail, onerous condition should not be imposed and prayed for setting aside the above said conditions.

4.The learned Government Advocate (Crl.Side) submitted that the learned Judicial Magistrate after considering the serious nature of offence, has rightly imposed the said conditions and therefore the same require no interference.

5.From the materials available on record, it is seen that the learned Judicial Magistrate No.II, Trichy enlarged the petitioner on bail vide order dated 25.07.2016 made in Crl.M.P.No.4037 of 2016. The learned Judicial Magistrate imposed the conditions directing to furnish two Government servants as sureties and such sureties shall produce the pay slips issued by their higher officials and also shall produce their identity cards along with the other conditions. The learned Judicial Magistrate also imposed conditions 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 petitioner shall report before the respondent police daily at 10.00 a.m. and 05.00 p.m. until further orders and she shall not leave Trichy District without the prior permission of the Court.



6. Considering the above said facts, this Court is inclined to modify the condition Nos.1 and 2 directing to furnish two Government servants as sureties and such sureties shall produce the pay slips issued by their higher officials and also shall produce their identity cards and the said conditions are modified as "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 conditions imposed in the order dated 25.07.2016 made in CrI.M.P.No.4037 of 2016 by the learned Judicial Magistrate No.II, Trichy, are confirmed and the Criminal Original Petition is disposed of accordingly.

Sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1.The Judicial Magistrate No.II,
Trichy.

2.The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy City.

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

+1CC to M/S. T.Lenin Kumar, Advocate, SR.No. 43861

ORDER MADE IN
CrI.O.P(MD)No.14346 of 2016
11.08.2016

smn
AM/GSV.PM/SAR-III/11.08.2016/3P/5C