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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

CRL.O.P. (MD) No.19667 of 2016

Jaimohan

.. Petitioner/Petitioner/Not named Accused

Vs

The State Rep. By
The Sub Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(Crime No.16 of 2016)

.. Respondent/Respondent/Complainant

Criminal Original Petition is filed under Section 439(i) (b) of the Code of Criminal Procedure, praying to modify the condition as made in Crl.M.P.No.2730 of 2016 dated 08.09.2016 imposed by the Sessions Judge of Kanyakumari District at Nagercoil on the petitioner to furnish security with the document for valuable immovable property for a sum of Rs.2,00,000/-.

For Petitioner : Mr.S.Palani Velayutham
For Respondent : Mr.K.V.Rajarajan
Government Advocate(Crl. Side)

O R D E R

This petition has been filed under Section 482 Cr.P.C., praying to modify the condition made in Crl.M.P.No.2730 of 2016 dated 08.09.2016 to the effect that the petitioner shall furnish documents in respect of immovable property for a sum of Rs.2,00,000/- as security.

2.Heard the learned counsel for the petitioner and also the learned Government Advocate(Crl. Side) appearing for the State.

3. The Trial Court has passed the following order:

"In the result in the event of arrest or on his surrendering before the court concerned the petitioner is ordered to be enlarged on anticipatory bail on his executing a bond for a sum of



Rs.1,00,000/- with two sureties each for a likesum to the satisfaction of Judicial magistrate No.II, Kuzhithurai, subject to the following conditions:-

1.The petitioner shall surrender before the court concerned within 15 days from today without fail and also the petitioner shall furnish security with the document for valuable immovable property for a sum of Rs.2,00,000/-."

4. The learned counsel for the petitioner submits that since the petitioner has no immovable property standing in his name, he could not deposit the title deed in respect of immovable property of his own and the petitioner is willing to execute a bond for Rs.2,00,000/- with two sureties for the likesum to the satisfaction of the concerned Magistrate.

5. In view of the above submission, the condition imposed by the trial court that the petitioner shall furnish documents in respect of immovable property worth about Rs.2,00,000/- stands deleted and the petitioner shall surrender before the concerned jurisdictional court and execute a bond for Rs.2,00,000/- with two sureties each for a likesum to the satisfaction of the said Jurisdictional Court. The other conditions imposed by the trial court shall stand unaltered.

6. This Criminal Original Petition is disposed of with the above modification.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Sessions Judge of Kanyakumari District at Nagercoil.
2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.PALANI VELAYUTHAM, ADVOCATE IN SR No. 61307

CM

TE/SS-2 : 02/11/2016 : 2P/4C

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