



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl.O.P(MD).No.7392 of 2016

Balamurugan @ Olli Murugan .. Petitioner

Vs

The state
rep. the Sub Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.556/2014) .. Respondent

PRAYER: Criminal Original Petitions are filed under section 439(1) (b) of Criminal Procedure Code, praying to modify the condition imposed by the Judicial Magistrate, Sivakasi in Crl.M.P.No.1065 of 2016 in C.C.No.228 of 2015 on 05.02.2016.

For Petitioner : Mr. G. Marimuthu

For Respondent : Mr.K. Anbarasan
Government Advocate (Crl. Side)

O R D E R

This petition has been filed under section 439(1)(b) of the Criminal Procedure Code seeking modification of the conditions imposed by the learned Judicial Magistrate, Sivakasi in Crl.M.P.No.1065 of 2016 in C.C.No.228 of 2015 on 05.02.2016.

2. The petitioner charged for the offences under Sections 454 and 380 of IPC and totally 9 cases are pending against the petitioner and the petitioner is in judicial custody from 18.04.2015. Considering the fact that the petitioner is in judicial custody from 18.04.2015, the learned Judicial Magistrate, Sivakasi, passed an order enlarging the petitioner on bail on condition to furnish two sureties, one surety is to be Government Servant Surety and another surety is to be the relative of the petitioner. Hence, the petitioner has come forward with the present petition for modification to set aside the order passed by the learned Judicial Magistrate, Sivakasi, and to modify the condition and permit the petitioner to produce two sureties in all 9 cases, on the ground that he is not able to furnish the Government Servant Sureties and relatives of the petitioner.



3. The learned counsel appearing for the petitioner submitted that the petitioner can furnish only third party sureties.

4. The learned Government Advocate (Crl. Side) opposed the same on the ground that the petitioner is habitual offender and if the condition is modified he will abscond and trial could not be proceeded with and he would involve in similar activities.

5. Considering the fact that the petitioner is in judicial custody from 18.04.2015 and he is not able to furnish the Government servant surety and relative as surety, this Court is inclined to delete the condition imposed by the learned Judicial Magistrate, Sivakasi, to the effect that "In the above sureties, the one surety is to be Government Servant Surety. Another one Surety is to be relative to the petitioner". The remaining conditions shall stand unaltered.

6. Accordingly, the Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

trp

To

1. The Judicial Magistrate, Sivakasi

2. The Sub Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

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

+1CC to Mr.G.Marimuthu, Advocate Sr.No.27437

GJM/DB/SAR-I-15.6.16-2p-5C

Crl.O.P (MD) .No.7392 of 2016
02.06.2016