

Crl.MP.No.12975 of 2017
and
Crl.OP.No.27526 of 2008

DR.G.JAYACHANDRAN.J,

The petitioner, facing Trial in C.C.No.24 of 2010, on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai, was granted statutory bail on 12.09.2008 in Crl.M.P.No.3011 of 2008, by the Trial Court on condition that he has to furnished sureties by depositing title deed of his immovable property worth about Rs.1,00,000/-.

2. Since the petitioner did not have immovable property of his own, he was not able to comply the condition imposed by the learned Magistrate. Therefore, he approached this Court by filing a Criminal Original Petition under Section 482 of Cr.P.C. in Crl.O.P.No.27526 of 2008. This Court vide order dated 19.11.2008, modified the condition to the effect that the petitioner shall be released on bail, on third party surety, Mr.Iruthayaraj S/o.Anthoniraj, who was willing to deposit his title deeds worth one lakh. The petitioner states that as per the modified order Mr.Iruthayaraj has executed a bond and has deposited his title deed. He further states, the said Iruthayaraj, passed away on 11.07.2010, therefore, seeks permission of this Court, to substitute the property which stands in the name of his daughter viz., Jansi w/o.Johnson, as surety in the place of Irudhayaraj property.

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3. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor. The request made by the petitioner appears to be genuine and the object of getting sureties will be satisfied, if the property of his daughter is substituted in the place of the property which stands in the name of the Irudhayaraj, who is no more.

4. The trial court is directed to accept the new surety and get substituted in the place of Irudhayaraj, property subject to the satisfaction that the property substituted is worth more than one lakh Rupees, without any encumbrance. Accordingly, the Criminal Miscellaneous Petition is allowed.

5. After substitution of the surety document namely the title deeds of Jansi, W/o.Johnson, the title deed of Irudhayaraj, shall be returned to his legal heirs on petition.

सत्यमेव जयते

27.10.2017

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