

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.15720 of 2017

IN CRL A.419/2017

1 M/S.SRI SAKTHI EMU FARMS
NO.100, AMU COMPLEX,
KUNNATHUR ROAD,
PERUNDURAI, ERODE.

[PETITIONERS/APPELLANT/ACCUSED]

2 N.SENTHIL KUMAR,
3 G.GANESAN,

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
EOW-1, (CCIW CID),
ERODE DISTRICT.
(CR.NO.1058 OF 2012).

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to modify the order that each of the petitioners are ordered to be released on bail on their executing bond for a sum of Rs.5,000/- each (Rupees five thousand only) with two sureties, each for a like sum to the satisfaction of the Learned Special Judge, Special Court for TNPID Cases at Coimbatore, instead of each of the petitioners are ordered to be released on bail on their executing bond for a sum of Rs.10,000/- each (Rupees ten thousand only) with two sureties, out of whom, one shall be a blood related surety, each for a like sum to the satisfaction of the Learned Special Judge, Special Court for TNPID Cases at Coimbatore, which was ordered in Crl.M.P.No.8934/2017 in Cr.A.419/2017 order dated 16.11.2017.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.P.SARAVANAN, Advocate for the petitioner and of Mr.K.MADHAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

In Crl.M.P.Nos.8934 of 2017 and 14216 of 2017 in Crl.A.No.419 of 2017, this Court, by order dated 16.11.2017, suspended the sentence of imprisonment and the sentence of fine, imposed upon the petitioners, by the trial Court and directed them to be released on bail, on certain conditions, one of which is that they shall execute

a bond for a sum of Rs.10,000/- with two sureties, out of whom, one shall be a blood relative.

2. The petitioners have filed the present petition for modification of the said order, on the ground that though they have blood relatives, the trial Court is insisting them to produce the Solvency Certificates and therefore, the petitioners have not been able to enjoy the fruits of the order passed by this Court on 16.11.2017.

3. Per contra, the learned Government Advocate (Crl. Side) submitted that the petitioners were not regularly appearing before the trial Court, even during the trial and that they absconded. N.Senthil Kumar (A2) was re-arrested on 17.10.2016 and G.Ganesan (A3) was re-arrested on 03.10.2016 and therefore, they have bad track records.

4. This Court gave its anxious consideration to the rival submissions.

5. Thus, from the records, it is seen that both the accused are in jail from 09.11.2016 and the trial Court convicted and sentenced them and they continue to be in jail even today. In such view of the matter, this Court, directs the trial Court not to insist upon the Solvency Certificate for blood relatives and proceed to accept the sureties furnished by the blood relatives, after verifying their *bona fide*. Rest of the conditions imposed by this Court in the order dated 16.11.2017, shall remain the same.

-sd/-
13/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR TNPID CASES AT
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
EOW-1, (CCIW CID),
ERODE DISTRICT.

+1 C.C. to M/S.P.SARAVANAN Advocate on payment of necessary charges-Sr.22545

Order

in
CRL MP.15720/2017

in
CRL A.419/2017

Date :13/12/2017

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