

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25155 of 2017

Suresh

..Petitioner

Vs.

The Inspector of Police,
IPR Enforcement Cell, Unit-I,
Aynavaram, Chennai.
Cr. No.262 of 2017.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to extend the time to surrender and execute sureties before the learned XI Metropolitan Magistrate, Saidapet, Chennai as per order dated 30.08.2017 in Crl.M.P.No.12955/2017 passed by the Principal Sessions Judge.

For Petitioner : Mr.V.D.Rajendra Prasad

For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor

O R D E R

The prayer sought for in the present petition is for extension of time to surrender and execute sureties before the learned XI Metropolitan Magistrate, Saidapet, Chennai as per order dated 30.08.2017 in Crl.M.P.No.12955/2017 passed by the Principal Sessions Judge, Chennai.

2.Heard Mr.V.D.Rajendra Prasad, learned counsel for the petitioner as well as Mr.C.Iyyappa Raj, learned Additional Public Prosecutor for the respondent.

3.The anticipatory bail granted on 30.08.2017 by the Principal Sessions Judge, Chennai came up with the condition that the petitioner should surrender on or before 13.09.2017 at which point of time he must execute a bond with two sureties, out of which one surety must be a Government Servant.

4. The Present Petition has been filed for an extension of time to surrender before the concerned Magistrate. The reasons

assigned by the learned counsel for the petitioner is that, he was unable to identify a Government servant who would voluntarily to be a surety for his bail bond. It is under these circumstances, the petitioner could not appear before the learned Magistrate on or before 13.09.2017.

5. This Court in various orders have expressed its views that such surrender on when the Court takes a view of releasing of the petitioner on bail or anticipatory bail, no onerous conditions can be made, thereby making it difficult or impossible for the petitioner to execute the bond. Such onerous condition is not prescribed under the law also.

6. Though the petitioner has sought for extension of time, since the order of the learned Principal Sessions Judge, Chennai reads that, "if the petitioner had not surrender before 13.09.2017, the same shall stand cancelled," it would be appropriate to permit the petitioner to surrender before the concerned Magistrate in order to meet the ends of justice.

7. In the result, the order of granting anticipatory bail in CrI.M.P.No.12955 of 2017 dated 30.08.2017 is modified to that effect that the petitioner shall be released on bail, in the event of arrest or his surrender before the XI Metropolitan Magistrate, Chennai within 10 days from today, on executing a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the said Magistrate. There shall be a further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 15 days and thereafter as and when required.

8. In the result, the Criminal Original Petition stands allowed with the above terms.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Chennai.

2.The XI Metropolitan Magistrate,
Saidapet, Chennai.

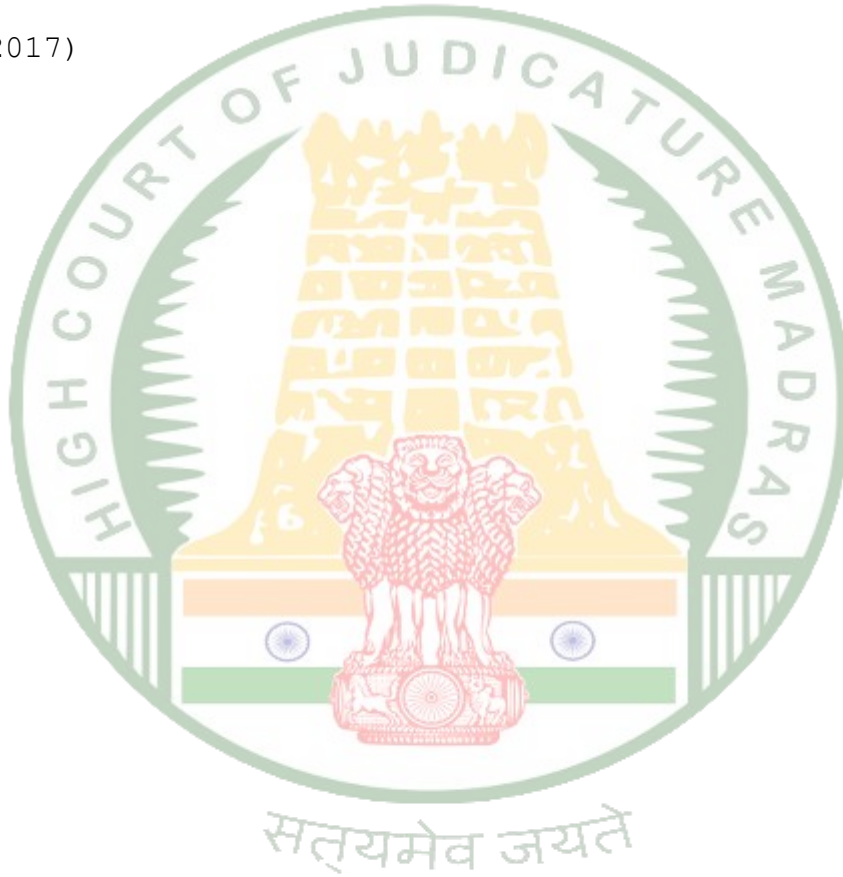
3.The Inspector of Police,
IPR Enforcement Cell, Unit-I,
Aynavaram, Chennai.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.V.D.Rajendra Prasad, Advocate, S.R.No.82595

Crl.O.P.No.25155 of 2017

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