

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2017

CORAM

THE HONOURABLE DR. JUSTICE P.DEVADASS

CRL.O.P. No.2612 OF 2017

Vinoth@Yesu Raja

.. Petitioner/Accused-4

Versus

State represented by the
Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam District.
(Crime No.1/2016) .. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 439(1)
(b) of Code of Criminal Procedure, to modify the condition made
in Crl.M.P. No.3162 of 2016 on the file of the learned Judicial
Magistrate I, Nagapattinam, by order dated 04.05.2016.

For Petitioner : Mr.J.Jawahar

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

* * * * *
O R D E R

This is a petition for modification of certain portion of
the conditions in the default bail passed by the learned
Judicial Magistrate I, Nagapattinam in Crl.M.P. No.3162 of 2016
dated 04.05.2016.

2.The petitioner is A4 in this case. This accused is
concerned in a murder case. The case has been registered in
Crime No.01/2016 by the Inspector of Police, Nagapattinam Town
Police Station. As early as on 04.05.2016, the learned Judicial
Magistrate No.I, Nagapattinam granted him default bail imposing
certain conditions namely two sureties for Rs.10,000/- each in
which one must be a blood surety (family members) and the
accused shall appear before the respondent/police daily at 5.00
p.m. for 30 days. Yet the petitioner continued to remain in
jail.

3.According to the learned counsel for the petitioner, all
the blood relatives are totally against the petitioner. Nobody

is coming forward to stand a surety. He has also become an orphan. All his relatives let him down. In the said situation, the condition to produce one blood surety causes him hardship and he is unable to furnish the bail bond.

4.Considering the above aspects, enabling him to enjoy the bail furnishing the bond, come out of the jail and taking note of his long incarceration, we can modify the condition.

5.Ordered as under:

In the Statutory Bail Order passed by the Judicial Magistrate No.I, Nagapattinam in Crl.M.P. No.3162 of 2016 dated 04.05.2016, out of two sureties one must be a blood surety (family member) shall be deleted and the condition that he should appear daily at 5 p.m. for 30 days is modified to the effect that he shall appear as and when required for interrogation, if final report is not filed. If final report is filed, he will appear before the said Magistrate on every Monday and Friday at 10.30 a.m. for a period of two weeks.

6.Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vga

To

1.The Judicial Magistrate I, Nagapattinam

2.The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

+1cc to Mr.J.Jawahar,Advocate sr.2843(7/3/2017)

CRL.O.P. NO.2612 OF 2017

Rs1 (co)

ss (2/3/2017)