

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.27544 of 2016

Muthupandi

... Petitioner/Accused-2

Vs

State, rep by
The Inspector of Police,
Palladam Police Station,
Tiruppur District

... Respondent/Complainant

Criminal Original Petition filed under Section 482 R/w 439(1) (b) of Cr.P.C. to modify the condition imposed by the learned Judicial Magistrate, Palladam, in Crl.M.P.No.5608 of 2015, dated 5.10.2015, as regards the condition that 'the sureties are directed to produce before the court, their house tax receipt and copy of the property document along with encumbrance certificate or obtain a certificate from Tahsildar.

For Petitioner : Mr.S.Kumaresan

For respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed to modify the condition imposed by the learned Judicial Magistrate, Palladam, in Crl.M.P.No.5608 of 2015, dated 5.10.2015.

2. It is the case of the petitioner that he was granted bail by the learned Judicial Magistrate, Palladam, in Crl.M.P.No.5608 of 2015 dated 5.10.2015 on certain conditions. One of the conditions is that " the sureties are directed to produce before the Court their house tax receipt and copy of the property document along with encumbrance certificate or obtain a certificate from Tahsildar". The petitioner's mother and father had already died. Further, though the petitioner had produced sureties, the same was rejected by the lower Court on the ground

that they were not in order as per the condition prescribed in the bail order. In view of the same, the petitioner is not in a position to avail the benefit of the said order. Hence, seeking modification of the said order, the petitioner has come up with the present petition.

3. Learned Additional Public Prosecutor has no serious objection to delete the said condition imposed on the petitioner.

4. Considering the facts and circumstances of the case, this Court is inclined to delete the said condition imposed on the petitioner.

5. Accordingly, the condition imposed on the petitioner in CrI.M.P.No.5608 of 2015, dated 5.10.2015, by the learned Judicial Magistrate, Palladam, viz., 'the sureties are directed to produce before the Court their house tax receipt and copy of the property document along with encumbrance certificate or obtain a certificate from Tahsildar' is hereby deleted. The other conditions shall remain unaltered. The criminal original petition is ordered accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The Judicial Magistrate,
Palladam.

2.The Inspector of Police,
Palladam Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.

+1CC to Mr.J.Kumaresan Advocate SR No.48/17

SR(CO)
GN(19/01/2017)

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सत्यमेव जयते

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