



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Third day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP (MD) No.4657 of 2017

IN

CRL OP (MD) No.1034 of 2017

S.MURUGESAN

... PETITIONER/ACCUSED

Vs

THE STATE REP.BY.
THE INSPECTOR OF POLICE
WEST POLICE STATION, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition imposed in Crl.O.P.No.1034 of 2017 dated 08/02/17 by this Honourable High Court

Prayer in CRL OP(MD) . 1034/ 2017 :

Petition filed under Section 482 of Code of Criminal Procedure, to modify the condition imposed on the petitioner by the learned Judicial Magistrate No.I, Virudhunagar in Crl.M.P.No.10794 of 2015 in C.C.No.173 of 2015 dated 14.07.2016.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.VIJAYARATHINAM, Advocate for the petitioner and of MR.C.RAMACHANDRAN, Additional Public Prosecutor, on behalf of the Respondent, the Court made the following order:-

The matter has been listed today under the caption, 'for being mentioned' at the instance of the learned counsel for the petitioner.

2.The petitioner herein who is accused in C.C.No.173 of 2015 was granted bail by learned Judicial Magistrate No.I, Virudhunagar in Crl.M.P.No.10794 of 2015, on 11.12.2015, with certain conditions. Since the petitioner was not able to satisfy those conditions, an application in Crl.OP(MD)No.1034 of 2017 was filed before the High Court to modify the said order and the same was also allowed on 08.02.2017. Again, the petitioner moved this Court stating that even the modified condition imposed on him while granting bail to the effect that he should produce documents relating to his permanent address was not capable of complying by him and therefore, sought indulgence of this Court to modify the



condition, so as to furnish Village Administrative Officer's certificate and photocopy of Ration Card to prove his residential address.

3. Considering the facts and circumstances of the case, this Court directed the Trial Court to verify the creditability of the Village Administrative Officer's certificate and satisfy itself about the surety furnished while considering the bail petition of the petitioner. This modified order was passed by this Court on 09.06.2017 in CrI.MP(MD).No.4657 of 2017.

4. Due to careless drafting of the order by the person concerned, an order with incongruity has been issued to the learned counsel for the petitioner as well as dispatched to the persons concerned including the learned Judicial Magistrate No.I, Virudhunagar. This has disabled the petitioner to comply the modified bail condition and enjoy the benefit of the bail order.

4. Today, i.e., on 23.06.2017, the learned counsel for the petitioner represented that due to unmindful drafting of the order, the petitioner is still in jail. Hence, the error crept in the order copy issued by this Court should be rectified.

5. On perusal of the order passed by this Court and the order copy issued to the parties concerned, the contention of the learned counsel is found to be true and justifiable.

6. Therefore, the Registry is hereby directed to withdraw the erroneous order copy issued earlier and issue fresh order in consonance with the order passed by this Court on 09.06.2017. Since the error is due to the Drafting Section, copy of the order should be issued to the parties concerned, by today itself, without collecting any copy stamp fee.

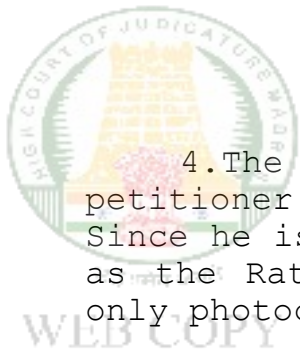
[Order of the Court was made by **DR. G. JAYACHANDRAN, J.** On 09.06.2017]

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. This Court on 08.02.2017, has modified the condition imposed by the Trial Court, while granting bail, to the effect that it is suffice to produce document relating to permanent address only and not property document. Pursuant to the order passed by this Court, the petitioner herein has moved to the Trial Court, furnishing Village Administrative Officer's certificate and photocopy of the Ration Card to prove his residential address.

3. The Surety memo has been returned with an endorsement, stating that the original of any of the following documents should be furnished.

- Aadhar Card
- Ration Card
- Voter Card



4.The learned counsel for the petitioner submitted that the petitioner alone knows where the Aadhar Card and Voter Card is kept. Since he is in jail, his son is not able to produce the same. So far as the Ration Card is concerned, they have lost it and they have only photocopy of it.

5.Considering the facts and circumstances of the case, the Trial Court is directed to verify the creditability of the Village Administrative Officer's certificate and satisfy itself about the Surety furnished and consider the bail petition. This petition is ordered accordingly.

sd/-
23/06/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICAL MAGISTRATE NO.1, VIRUDHUNAGAR
- 2 THE INSPECTOR OF POLICE, WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.C.BETHANASAMY, ADVOCATE, IN SR NO.7020

+1CC TO M/S.M.VIJAYARATHINAM, ADVOCATE SR.NO. 23918.

ORDER IN
CRL MP(MD) No.4657 of 2017
IN CRL OP(MD) No.1034 of 2017
Date :23/06/2017

MS/CM/SAR.1/23.06.2017/p3:6c