



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

CrI.O.P.(MD)No.11885 of 2017

D.Thavaraja

... Petitioner

Vs.

The Inspector of Police,
Airport Police Station,
Tiruchirappalli,
Tiruchirappalli District.

... Respondents

PRAYER: The Petition filed under 439(1)(b) of Cr.P.C., to set aside the order passed in Cr.M.P.No.2395 of 2017 dated 07.08.2017 by the learned Principal Sessions Judge, Tiruchirappalli and modify the condition imposed on the petitioner with regard to the condition that to execute a bond for Rs.10,000/- with two solvent sureties and the solvent Certificate should not be below the rank of Deputy Tahsildar in Cr.M.P.No.2277 of 2017 dated 03.07.2017 by the learned Judicial Magistrate No.VI, Tiruchirappalli in Crime No.363 of 2017 on the file of the respondent Police.

For Petitioner	: Mr.K.A.Prabhu
For Respondent	: Mr.A.Ramar, APP

O R D E R

The Criminal Original petition is filed to set aside the order passed in Cr.M.P.No.2395 of 2017 dated 07.08.2017 by the learned Principal Sessions Judge, Tiruchirappalli modifying the condition imposed on the petitioner with regard to the condition to execute a bond for Rs.10,000/- with two solvent sureties and the same should not be below the rank of the Deputy Tahsildar.

2.The petitioner was granted bail by the learned Judicial Magistrate No.VI, Tiruchirappalli, in CrI.M.P.No.2277 of 2017 on 03.07.2017, directing the petitioner to deposit a cash surety of Rs.10,000/- and execute a bond for Rs.10,000/- with two solvent sureties and the solvent certificate should not be below the rank of Deputy Tahsildar. Aggrieved by the said condition, the petitioner filed a petition in Cr.M.P.No.2395 of 2017 before the Principal Sessions Court, Tiruchirappalli, however, the learned Principal Sessions Judge by order dated 07.08.2017 dismissed the said petition. As against the said order, the petitioner is before this Court with the present petition for modification of executing



a bond for Rs.10,000/- with two solvent sureties and the solvent certificate should not be below the rank of Deputy Tahsildar.

3.The learned counsel for the petitioner relied on a decision reported in 2017 (1) LW 800 (Sagayam @ Devasagayam Vs. State Rep.by The Inspector of Police, G7, Chetpet Police Station, Chennai) and unreported judgment in CrI.O.P(MD)No.9832 of 2017 (John Kennedy Vs. The Inspector of Police, Fort All Women Police Station, Tiruchirappalli).

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner is a Srilankan refugee and he committed the offence under Foreigners Act and if the said condition is modified, the same would lead to jumped on bail.

5.Considering the facts and circumstances of the case,the condition imposed in Cr.M.P.No.2395 of 2017 dated 07.08.2017 is modified to the effect that the petitioner is directed to execute a bond for Rs.10,000/- along with two sureties and the Court below should insist the solvency certificate.

6.This Criminal Original petition is ordered accordingly.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

1.The Principal Sessions Judge, Tiruchirappalli.

2.The Judicial Magistrate No.VI, Tiruchirappalli.

3.The Inspector of Police, Airport Police Station,
Tiruchirappalli, Tiruchirappalli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.K.A.S.Prabhu,, Advocate, SR.No. 78166

CrI.O.P. (MD)No.11885 of 2017
12.09.2017

Nbj