



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

Monday, the Twenty Fourth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.9436 of 2017

JOHNSON XAVIER

... PETITIONER /PETITIONER

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION,
TRICHY,
(CRIME NO.410 OF 2016)

... RESPONDENT / COMPLAINANT

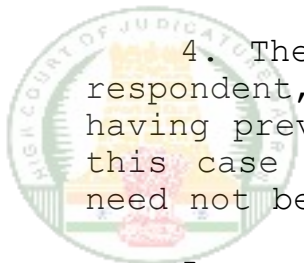
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased To modify the order in so far as the Condition No.1 stipulated in Cr.M.P.No.576 of 2017 on the file of the Judicial Magistrate No.V, Trichy dated 08.02.2017 so far as the imposition of condition to the petitioner shall execute two Government sureties on behalf of the petitioner and to execute a bond to the sum of Rs.10,000/-

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.ANANDAKUMAR, Advocate for the petitioner and of MR.A.RAMAR, Additional Public Prosecutor for the Respondent the court made the following order:-

This petition has been filed praying to modify the order insofar as the Condition No.1 stipulated in Cr.M.P.No.576 of 2017, on the file of the learned Judicial Magistrate No.V, Trichy, dated 08.02.2017 sofar as the imposition of condition to the petitioner shall execute two Government sureties on behalf of the petitioner and to execute a bond to a sum of Rs.10,000/-.

2. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The counsel appearing for the petitioner would submit that Condition No.1 stipulated in Cr.M.P.No.576 of 2017, on the file of the learned Judicial Magistrate No.V, Trichy, dated 08.02.2017 is an onerous one and the petitioner is unable to produce the Government sureties, as ordered by the Court below



4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner is having previous cases also and he was released on statutory bail in this case and therefore, the condition imposed by the Court below need not be modified.

5. As rightly pointed out by the learned counsel appearing for the petitioner, the imposition of condition to the petitioner shall execute two Government sureties on behalf of the petitioner and to execute a bond to a sum of Rs.10,000/- by the learned Judicial Magistrate No.V, Trichy, is an onerous one, in the considered opinion of this Court and therefore, this Court is inclined to set aside the said condition alone.

6. Accordingly, this petition is allowed and the Condition No.1 stipulated in Cr.M.P.No.576 of 2017, on the file of the learned Judicial Magistrate No.V, Trichy, dated 08.02.2017 sofar as the imposition of condition to the petitioner shall execute two Government sureties alone, is set aside and modified to the effect that the petitioner shall execute any two sureties on behalf of the petitioner and to execute a bond to a sum of Rs.10,000/- each.

sd/-

24/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TRICHY
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE SUB INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION, TRICHY,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.ANANDAKUMAR Advocate SR.No.27078

GJM/CM/MSA/SAR-4-26.7.17-2P-6C

ORDER

IN

CRL OP(MD) No.9436 of 2017

Date :24/07/2017