



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

CrI.O.P. (MD) No.9832 of 2017

WEB COPY

John Kennedy

...Petitioner/Petitioner

Vs.

The Inspector of Police,
Fort All Women Police Station,
Tiruchirappalli.
Crime No.6 of 2017

...Respondent/Respondent

PRAYER: The Criminal Original Petition filed under Section 439(1) (b) r/w 482 Cr.P.C., to modify the conditions imposed on the petitioner by the Sessions Judge, Mahila Court, Tiruchirappalli in Cr.M.P.No.327 of 2017 on 18.07.2017, with regard to the conditions.

For Petitioner : Mr.K.A.S.Prabhu
For Respondent : Mr.K.S.Duraipandian, APP

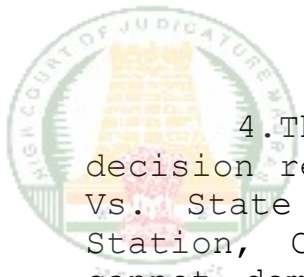
O R D E R

This Criminal Original petition is filed to modify the conditions imposed on the petitioner by the Sessions Judge, Mahila Court, Tiruchirappalli in Cr.M.P.No.327 of 2017 on 18.07.2017.

2.The petitioner was charged under Section 5(m) (n) r/w 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.6 of 2017 and he was remanded to judicial custody on 06.04.2017. The petitioner has filed a petition in Cr.M.P.No.327 of 2017 for granting bail before the Sessions Judge, Mahila Court, Tiruchirappalli. The learned Sessions Judge by order dated 18.07.2017 granted bail to the petitioner imposing condition that the petitioner shall execute a bond for Rs.1,00,000/- with two sureties each for the like sum to the satisfaction of the Court. One of the two sureties must be given either by the wife or son / daughter (in case of major) and she / he should file the family ration card and Aadhaar card. The other surety should execute a bond for Ra.1,00,000/-. The original title deeds or the patta of the properties to be given as surety as well as the solvency certificate given by the Tahsildar, have to be produced in the court for verification.

3.Heard the learned Additional Public Prosecutor appearing

<https://hcservices.courts.gov.in/hcservices/> for the respondent.



4.The learned counsel for the petitioner relied on a decision reported in 2017 (1) LW (crl.) 800 (Sagayam @ Devasagayam Vs. State Rep.by the Inspector of Police, G7, Chetpet Police Station, Chennai), wherein this Court has held that the court cannot demand production of property documents from the accused and surety and also cannot insist that the sureties should be local surety and directing the surety to produce documents is beyond the cope of the bail order of the superior court and the surety need not be a Government servant or a blood relative or a local surety.

5.Considering the facts and circumstances of the case and also in view of the decision cited supra, this Court is inclined to modify the conditions imposed the court below, directing the petitioner to produce any two sureties and the Trial Court should not insist any original title deeds or patta or solvency certificate from the sureties. The sureties are directed to produce their ration card or Aadaar card for verifying the genuineness and identity of the sureties and his residential address and it applies to the accused also.

6.The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The Sessions Judge, Mahila Court, Tiruchirappalli.

2.The Inspector of Police,
Fort All Women Police Station,
Tiruchirappalli.

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

+1cc to M/S.K.A.S.PRABHU, Advocate SR.No.27475

nbg

MAS/AV-AAM/SAR3:02.08.2017:2P-5C

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