

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2018

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P. No.10117 of 2018

Ajay @ Ajayan

S/o. Sivasankaran

... Petitioner/Accused

Vs.

The State rep. by

The Inspector of Police,

P-6, Kodungaiyur Police Station,

Chennai - 600 019.

(Crime No.133/2018)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. to modify the order dated 20.02.2018 made in Crl.M.P.No.721 of 2018 in Crl.M.P.No.383 of 2018 dated 05.02.2018, on the file of the learned V Metropolitan Magistrate, Egmore, Chennai and restore the modification as prayed for.

For Petitioner : Mr.C.Ravichandran

For Respondent : Mr.C.Iyyapparaj

Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed by the petitioner to modify the condition imposed on him in order dated 05.02.2018 in Crl.M.P.No.383 of 2018, passed by the learned V Metropolitan Magistrate, Egmore, Chennai.

2. The learned Magistrate while granting bail to the petitioner in Crl.M.P.No.383 of 2018 on 05.02.2018, had imposed a condition that "the petitioner and surety shall produce Ration Card or Adhar Card or any other photo identity proof and the surety shall be father or mother or brother or sister or wife or son or daughter of the petitioner". Against the order, the petitioner had filed a petition in Crl.M.P.No.721 of 2018 to

modify the condition in Crl.M.P.No.383 of 2018, before the said Magistrate, however the learned Magistrate dismissed the petition for modification, hence against the order of dismissal this petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is a native of Kerala and he has no relatives in Chennai. He would further submit that the petitioner was arrested on 24.01.2018 and in spite of the bail being granted on 05.02.2018, he is unable to come out, since he is unable to produce the surety, who is either father or mother or brother or sister or wife or son or daughter of the petitioner, as stated by the lower Court. He would further submit that the condition imposed by the learned Magistrate is onerous and instead of any of the close relatives surety, the petitioner has got responsible persons known to him who are willing to stand as surety to him and hence he would pray for modification of condition in respect of relative surety alone.

4. Taking into consideration the submission made by the learned counsel for the petitioner, this Court is inclined to set aside the order of dismissal passed by the learned V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.721 of 2018 dated 20.02.2018 and to modify the condition imposed by the learned V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.383 of 2018 dated 05.02.2018, that instead of the condition that "the surety shall be father or mother or brother or sister or wife or son or daughter of the petitioner", the petitioner shall produce local or any responsible person known to him as surety. The other conditions imposed by the learned Magistrate will stand unaltered.

Sd/-

Assistant Registrar(CCC)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

rts

To

1. The Presiding Officer
V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai - 600 019.

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3. The Public Prosecutor,
High Court, Madras.

+3cc to Mr.C.Ravichandran, Advocate SR.No.26503

CRL.O.P. No.10117 of 2018

SR(CO)
GN(18/04/2018)



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