

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10983 of 2018

B.Krishnan

... Petitioner

Versus

State rep.by
The Inspector of Police,
AVS II CCB,
Chennai.
(Crime No.07 of 2018)

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the order passed in Crl.M.P.No.1118 of 2018 dated 19.03.2018 by the learned Principal Sessions Judge, Chengalpattu, Kanchipuram District.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

This petition has been filed to modify the order passed in Crl.M.P.No.1118 of 2018 dated 19.03.2018 by the Principal Sessions Judge, Chengalpattu, Kanchipuram District.

2.The petitioner was released on bail in Crl.M.P.No.1118 of 2018 on 19.03.2018 by the learned Principal Sessions Judge, Chengalpattu, on condition that he should execute a bond for Rs.10,000/- with two sureties and that one surety should be a relative and he should produce necessary I.D. proof, to the satisfaction of the learned Judicial Magistrate, Alandur. It is the grievance of the petitioner that the petitioner's brother by name Venkatesan, came forward to stand as surety, but however, the learned Magistrate has refused to accept the surety on the ground that he did not produce Ration Card.

3.The learned counsel appearing for the petitioner submitted that Venkatesan has got the Aadhaar Card. Therefore, the petitioner has filed the present petition.

4.However, on perusal of the order dated 21.03.2018 passed by the learned Judicial Magistrate, Alandur, the Surety Application was called on 20.03.2018 and on that day, the Sureties were not present. When the matter was adjourned on 21.03.2018, on that day also, the Sureties were not present. Therefore, the learned Judicial Magistrate has rightly rejected the Surety Application.

Therefore, it is open to the petitioner to furnish a fresh application before the learned Judicial Magistrate and prosecute the same diligently by appearing before the learned Magistrate. If the surety produces Aadhaar Card, the same may be accepted, if it is found to be genuine and Ration Card need not be insisted.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

klt

To

1.The Principal Sessions Judge of Kancheepuram District at
Chengalpattu,
Kanchipuram District.

2.The Inspector of Police,
AVS II CCB,
Chennai.

3. The Judicial Magistrate
Alandur.

+1 CC to Mr.G. Nirmal Krishnan, Advocate sr 26661.

Cr1.O.P.No.10983 of 2018

SP(17/04/2018)