

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13630 of 2018

Espandi @ Eswara Pandiyan

... Petitioner

-Vs-

The State rep. By
The Inspector of Police,
Thiyagadurgam Police Station,
Villupuram District.
(Crime No.307 of 2017)

... Respondent

Prayer:- Criminal Original Petition filed under Section 439(1) (b) of the Code of Criminal Procedure, to modify the order dated 07.12.2017 in Crl.M.P.No.1744 of 2017 passed by the learned Judicial Magistrate-II, Kallakurichi.

For Petitioner : Ms.S.Kanmani

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking modification of bail condition imposed on the petitioner by the learned Judicial Magistrate-II, Kallakurichi in Crl.M.P.No.1744 of 2017 dated 07.12.2017.

2. The learned counsel for the petitioner would submit that the petitioner was arrested on 22.06.2017 and he had applied for statutory bail on 06.12.2017 in Crl.M.P.No.1744 of 2017. The learned Judicial Magistrate-II, Kallakurichi, while granting bail on 07.12.2017, imposed a condition that the petitioner shall produce two sureties, out of which, one should be a Government Servant and he should execute a bail bond for Rs.10,000/-. He would submit that though the petitioner was granted bail on 07.12.2017, he has not been able to come out,

since he is unable to produce a Government surety. However, he would submit that the petitioner is prepared to produce a close relative as a surety and that the condition may be modified. He would also submit that due to the condition imposed by the learned Judicial Magistrate-II, Kallakurichi, the petitioner is suffering incarceration for the past 11 months, despite being granted bail six months ago.

3. The learned Additional Public Prosecutor has no objection to modify the condition.

4. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to modify the condition to the effect that "the Petitioner shall produce two sureties, out of which, one should be a close relative. Other than this modification, the other conditions shall remain unaltered.

5. This Petition is ordered accordingly.

Sd/-
Assistant Registrar (V.O)

//True Copy//

Sub Assistant Registrar

kmi

To:

1. The Judicial Magistrate-II,
Kallakurichi.
2. The Inspector of Police,
Thiyagadurgam Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court, Chennai-104.

Cr1.O.P.No.13630 of 2018

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srg 01/06/2018