

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.15768 of 2018

Prabu

...Petitioner/Accused

vs.

The Sub-Inspector of Police
Md.Choultry Police Station
Salem District.

...Respondent/Complainant

Criminal Original Petition filed under Section 482, Cr.P.C. to modify the condition imposed in Crl.MP.No.2869 of 2017 in Crime No.80 of 2017 dated 11.07.2017 on the file of the Judicial Magistrate No.II, Sangakiri.

For petitioner : Mr.S.Rajanikanth

For Respondent : Mr.C.Raghavan

Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to modify the condition dated 11.07.2017 imposed by the Judicial Magistrate No.II, Sankari in Crl.MP.No.2869 of 2017 in Crime No.80 of 2017.

2. The petitioner was arrested for the offences under Sections 457 and 380 IPC in Crime No.80 of 2017 on 02.05.2017 and was remanded to the custody. He was granted statutory bail on 11.07.2017 by the Judicial Magistrate No.II, Sankagiri in CMP.No.2869 of 2017, on certain conditions, one of which is that the petitioner should execute a bond for Rs.10,000/- with two sureties, out of which, one surety should be a blood relative. Though the bail order was passed on 11.07.2017, the petitioner has not been able to enjoy the benefits of the bail, as he has no blood relatives to stand as surety. Hence, this petition has been filed by the accused for modification of the above said condition.

3. Heard the learned counsel for the accused and the learned Government Advocate (Crl. Side) for the respondent.

4. The learned Government Advocate (Crl. Side) submitted that apart from this case, the petitioner is involved in four other cases in Salem District.

5. Be that as it may, the fact remains that charge sheet has not been filed in Crime No.80 of 2017, even as of today. Though the bail was granted, the petitioner is in incarceration for the last one year.

6. In such view of the matter, the said condition is modified to that effect that instead of "blood relative surety", the petitioner may furnish "close relative surety". Rest of the conditions imposed by the Judicial Magistrate No.II, Sangakiri, shall remain the same.

With the above modification, this petition is ordered.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II,
Sangakiri.
- 2.-do-Thro The Chief Judicial Magistrate Salem
3. The Sub-Inspector of Police
Md.Choultry Police Station
Salem District.
4. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.S.Rajanikanth Advocate sr 39300

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