

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27610 of 2018

Pambu @ Sabari @ Sabarigiri
S/o Mani

...Petitioner/Accused 4

Vs.

State rep by its
The Station House Officer,
Kiliyanur Police Station,
Villupuram District.
Crime No.10 of 2018

...Respondent/Complant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the first condition imposed by the learned Principal Sessions Judge, Villupuram, in his order in Crl.M.P.7566 of 2018 dated 29.10.2018 that i) the petitioner surrender before the concerned Judicial Magistrate on or before 09.11.2018 on his executing a bond of Rs.10,000/- with two sureties each one of the surety must be a Government servant for a like sum each to the satisfaction of Judicial Magistrate, Vanur in respect of P.R.C.No.10 of 2018 on the file of the Judicial Magistrate, Vanur.

For Petitioner :Mr.S.Anburaja

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

O R D E R

This petition has been filed seeking for modification of the condition imposed by the Court below, while considering the anticipatory bail petition filed by the petitioner. The respondent police have filed an FIR in Crime No.263 of 2017 for an offence under Sections 397 and 411 of I.P.C.

2.This petitioner has been added as A4. After the completion of the investigation, a final report was also filed and the same has been taken on file in P.R.C.No.10 of 2018. In the said final report, this petitioner was shown to be an

absconding accused. Therefore, this petitioner filed anticipatory bail petition before the Court below.

3.The Court below on considering the facts and circumstances of the case, granted anticipatory bail to the petitioner by imposing certain conditions. One such condition was that one of the surety must be a Government servant.

4.The learned counsel for the petitioner would submit that the petitioner is not in a position to arrange for a Government surety and therefore, even though an order has been passed in favour of the petitioner, the petitioner is not in a position to comply with the condition.

5.It is seen that the investigation is already over and a final report has already been filed before the Court below. Therefore, in the considered view of this Court there is no requirement to insist for one surety to be a Government servant.

6.In view of the above, the order of the Court below is modified to the extent that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two surety each for a like sum. The other conditions imposed by the Court below shall stand as it is. Time for surrender of the petitioner is extended till 10.12.2018.

7.With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rpl

To

1. The Judicial Magistrate, Vanur.
2. - do- through The Chief Judicial Magistrate, Villupuram.
3. The Station House Officer, Kiliyanur Police Station, Villupuram District.
4. The Public Prosecutor, High Court, Madras.

+1cc to Mr.S.Anburaja, Advocate SR.No.81465

CrI.O.P.No.27610 of 2018

SV(CO)

GMV(04/12/2018)