

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.27452 of 2018

Bibek Prathan

...Petitioner

Versus

State rep. by,
Inspector of Police,
Coimbatore Railway Police Station,
Coimbatore District.
(Crime No.174 of 2018).

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the condition as to execute the one blood surety as ordered in CrI.M.P.No.3376 of 2018 dated 12.11.2018 before the Principal District and Sessions Judge of Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking to set aside the condition imposed by the Court below insisting for one blood surety, while granting bail to this petitioner.

2. The petitioner is an accused in Crime No.174 of 2018, which was registered for an offence under Section 379 of IPC. The petitioner was arrested and was remanded to judicial custody. The petitioner filed a petition for bail and the Judicial Magistrate No.VI, Coimbatore, by an order dated 04.10.2018, granted bail to the petitioner by imposing certain conditions. The condition which is in question, is extracted here under.

".....and directed the petitioner to execute a bond for Rs.10,000/- with two sureties, of whom one shall be blood related for like sum."

3. Aggrieved by the same, the petitioner filed a

petition before the Principal District and Sessions Judge, Coimbatore, challenging the condition. The Sessions Court by an order dated 12.11.2018, reduced the bond amount from Rs.10,000/- to Rs.5,000/-. However, the Sessions Court did not deal with the issue regarding one surety, who should to be a blood relative. Therefore, the present petition has been filed before this Court.

4. The learned counsel for the petitioner would submit that the petitioner belongs to West Bengal and there are no relatives for the petitioner staying at Coimbatore. Therefore, it is not possible for the petitioner to produce one blood surety as directed by the Court below. Therefore, the learned counsel would submit that inspite of an order of bail granted in favour of the petitioner, the petitioner is not in a position to come out on bail. The learned counsel further relied upon the Judgment of this Court reported in 2017 (3) CTC 291 in the case of Sagayam @ Devasagayam Vs. State rep. by the Inspector of Police, G-7 Chetpet Police Station, Chennai.

5. In view of the above, since sufficient safeguards have been made in the order passed by the Court below, to ensure the presence of the petitioner at the time of trial, there is no requirement insisting for a surety, who is the blood relative of the petitioner.

6. In the result, the order passed by the Court below insisting for one blood surety is hereby set aside and the same is modified to the effect that the petitioner has to execute a bond for a sum of Rs.5,000/- with two sureties for a like sum. All other conditions imposed by the Court below shall stand as it is.

7. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ub/ssr
To

1. Inspector of Police,
Coimbatore Railway Police Station,
Coimbatore District.

2. The Public Prosecutor,
High Court, Madras.

3.The Principal Districts Sessions Judge,
Coimbatore.

4.The Judicial Magistrate No.VI,
Coimbatore.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.80815

Crl.O.P.No.27452 of 2018

GSP (28/11/2018)



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