



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P(MD)No.2331 of 2018

Mottaiyan @ Manikandan

... Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Srirengam,
Trichy.

... Respondent/Complainant

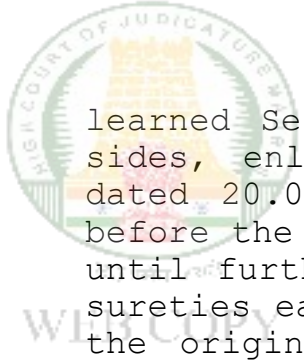
Prayer: Criminal Original Petition is filed under Section 439(1)(b) of the Criminal Procedure Code praying to modify the condition imposed in Cr.M.P.No.14 of 2018 on the file of the Sessions Court (Mahila Court), Trichy, with regard to the condition that the petitioner/accused has to produce the sureties along with their title deeds, patta and solvency certificates from the concerned Tahsildar and further direct the learned Sessions Judge (Mahila Court), Trichy, to accept the sureties submitted by the petitioner/accused along with their salary certificates.

For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondent	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl.side)

O R D E R

This petition has been filed praying to modify the condition imposed on the petitioner in the order dated 20.01.2018, made in Cr.M.P.No.14 of 2018 in Crime No.1483 of 2017 by the learned Sessions Judge (Mahila Court), Trichy.

2.It is averred in the petition that the petitioner was arrested and remanded to judicial custody by the learned Judicial Magistrate No.IV, Trichy, on 14.12.2017, for the offences punishable under Sections 366(A) and 376 IPC r/w. Sections 5(i) and 6 of the Protection of Children from Sexual Offences Act. The petitioner herein has moved a petition before the learned Sessions Judge (Mahila Court), Trichy, in Cr.M.P.No.14 of 2018, for bail and the



learned Sessions Judge (Mahila Court), Trichy, after hearing both sides, enlarged the petitioner on bail, vide her impugned order dated 20.01.2018 with a condition to stay at Madurai and report before the Judicial Magistrate Court No.I, Madurai, daily 10.00 a.m. until further orders and on further condition that to produce two sureties each for a sum of Rs.1,00,000/- and also on condition that the original title deed, Patta and Solvency Certificate obtained from the concerned Tahsildar have to be produced before the Court.

3.The learned counsel appearing for the petitioner submitted that the learned Sessions Judge (Mahila Court), Trichy, returned the sureties Memo submitted by the petitioner/accused on 24.01.2018 by stating that the petitioner/accused has to produce the Patta, documents copy and Solvency Certificate. He further submitted that when the petitioner/accused produced solvent sureties, who are working in the Trichy Corporation and receiving handsome salary, their salary certificates may be accepted. He also submitted that the conditions directing the petitioner to furnish Patta, Original Title Deed and Solvency Certificate obtained from the Tahsildar are onerous and in fact, the imposition of the said conditions amounts to denial of bail and in number of Judgments, the Hon'ble Supreme Court and this Court time and again held that while enlarging the accused on bail, onerous condition should not be imposed and prayed for modification of the said conditions.

4.This Court heard the submissions of the learned Government Advocate (Criminal side) appearing for the respondent on the abovesaid submission.

5.From the materials available on record, it is seen that the learned Sessions Judge (Mahila Court), Trichy, enlarged the petitioner on bail vide order dated 20.01.2018, made in Cr.M.P.No.14 of 2018. The learned Sessions Judge (Mahila Court), Trichy, imposed the conditions directing the petitioner to stay at Madurai and to appear before the Judicial Magistrate Court No.I, Madurai, daily at 10.00 a.m. until further orders and to produce two sureties with bonds for a sum of Rs.1,00,000/- (Rupees One Lakh only) each and to furnish Original Title Deeds, Patta and Solvency Certificate obtained from the concerned Tahsildar.

6.Considering the above said facts and also relying on the judgment of this Court in Mohammed Sabigul Islam Bisvas Vs. Inspector of Police, Sri Rangam Police Station, Trichy, reported in 2014 (2) MLJ (Cr1) 74, this Court is inclined to set aside the condition directing the petitioner to furnish Original Title Deed and Patta of the proposed sureties and accordingly, the said condition is set aside. In respect of condition for the production of two sureties with bonds for a sum of Rs.1,00,000/- (Rupees One Lakh only) each is concerned, this Court is of the view that it requires modification. Accordingly, the said condition is modified and the petitioner is directed to produce two sureties with a bond for a sum of Rs.25,000/- [Rupees Twenty Five Thousand only] each. In



respect of the other conditions viz., the appearance of the petitioner before the Judicial Magistrate Court No.I, Madurai, daily at 10.00 a.m. until further orders and the production of solvency certificate obtained from the concerned Tahsildar shall remain unaltered.

Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

- 1.The Sessions Judge
(Mahila Court),
Trichy.
- 2.The Judicial Magistrate No.I,
Madurai.
- 3.The Inspector of Police,
All Women Police Station,
Srirengam,
Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.P.Ganapathi Subramanian, Advocate SR.No. 49149

Cr1.O.P(MD)No.2331 of 2018
15.02.2018

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JM/JC/SAR 1/22.02.2018/3P/6C