



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P (MD) No.942 of 2018

Kalimuthu @ Kali @ Vellaikali

... Petitioner

Vs.

The State Represented by
The Sub Inspector of Police,
Koodakovil Police Station,
Madurai District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439(1) (B) of Criminal Procedure Code, seeking to modify the condition imposed by the learned Judicial Magistrate, Thirumangalam, Madurai in Cr.M.P.No.1858 of 2017 dated 19.06.2017, as to furnish the sureties to the satisfaction of the learned Judicial Magistrate No.VI, Madurai instead of Judicial Magistrate, Thirumangalam.

For Petitioner : Mr.N.V.Nagenthran

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to modify the condition imposed by the learned Judicial Magistrate, Thirumangalam, Madurai in Cr.M.P.No.1858 of 2017 dated 19.06.2017 as to furnish the sureties to the satisfaction of the learned Judicial Magistrate No.VI, Madurai instead of Judicial Magistrate, Thirumangalam.

2.The learned counsel appearing for the petitioner submitted that the petitioner was arrested by the respondent police and remanded to judicial custody on 02.02.2017. On 19.06.2017, he was enlarged on bail by the learned Judicial Magistrate, Thirumangalam in Cr.M.P.No.1858 of 2017, dated 19.06.2017 with condition that the petitioner shall execute a bond for value of Rs.10,000/- with two sureties each like sum. When the petitioner complying the condition imposed by the learned Judicial Magistrate, Thirumangalam, at that time, the learned Judicial Magistrate orally instructed that the petitioner has to furnish the sureties as his blood relations, hence, he rejected the furnishing of the sureties. As per instructions, the petitioner furnished the two sureties as his blood relatives and the same was returned by the learned Judicial Magistrate for the reason that non availability of the house tax receipt.



3. He further submitted that for the past 232 days, the petitioner is in prison. Further he stated that he is not able to mobilize the sureties as per the conditions imposed by the learned Judicial Magistrate, Thirumangalam. He further submitted that the petitioner already furnished the sureties and the same was satisfied by the learned Judicial Magistrate No.VI, Madurai in Crime No.273 of 2016 on the file of the Perungudi Police Station, Madurai. Hence, the learned counsel appearing for the petitioner prays to modify the condition imposed by the learned Judicial Magistrate, Thirumangalam, Madurai in Cr.M.P.No.1858 of 2017 dated 19.06.2017 as to furnish the sureties to the satisfaction of the learned Judicial Magistrate No.VI, Madurai instead of Judicial Magistrate, Thirumangalam.

4.Heard both sides.

5.Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing for the petitioner and the reasons stated by the petitioner is not sufficient to allow the petition. Hence, this Court is not inclined to modify the condition imposed by the learned Judicial Magistrate, Thirumangalam, Madurai in Cr.M.P.No.1858 of 2017 dated 19.06.2017. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Thirumangalam, Madurai District.
2. The Judicial Magistrate No.VI, Madurai.
3. The Chief Judicial Magistrate, Madurai.
4. The Sub Inspector of Police,
Koodakovil Police Station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

MSA/SMI

TE/SKN-RSK/SAR-4 : 01/02/2018 : 2P/6C