



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Third day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM
and
The Hon`ble Mr.Justice S.S.SUNDAR

CRL MP (MD) No.5371 of 2018
IN
CRL A (MD) No.95 of 2018

JENGISKHAN

... PETITIONER/ PETITIONER/
APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TIRUMANGALAM TOWN POLICE STATION,
MADURAI.
IN CRIME NO.73/2008

... RESPONDENT/ RESPONDENT/
RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the condition imposed by this Honourable Court dated 02/04/2018 in Cr.M.P.No.1243/2018 in Crl.A.(MD).No.95/2018 and consequently direct the Judicial Magistrate, Tirumangalam to accept petitioner's personal bond and petitioner's mother undertaking affidavit for his surrender before the concerned court in connection with SC.No.186/2008 on the file of the Sessions Judge, Mahalir Neethimandram, Madurai dated 12/05/2015 without insisting any solvency certificates.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.VENKATESAN, Advocate for the petitioner and of Mr.S.CHANDRASEKARN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court passed by **C.T.SELVAM, J.**]

This petition has been moved for modification of the condition imposed by this Court on 02.04.2018 in Crl.M.P.(MD) No.1243 of 2018 in Crl.A.(MD) No.95 of 2015.

2.Heard learned counsel for petitioner and learned Additional Public Prosecutor for respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Informing that the petitioner, who has been granted the relief of suspension of sentence under order of this Court, has not



been able to avail the benefit thereof owing to his poverty, learned counsel for petitioner placed reliance on the affidavit of the mother of the petitioner, which in paragraph 6 informs as follows:

"6.I respectfully submit that the appellant is my elder son and when he was in womb my first husband deserted me and thereafter I got married with Victor Henry Jeyapal and thereafter we blessed with 2 daughter and one son and my younger son died in the year 2015 and my younger daughter committed suicide earlier and my elder daughter died when she was a baby and nobody is there to looking care of myself and my husband and we are living in a rental house at Tirumangalam and we could not able to produce two sureties before the Judicial Magistrate, Tirumangalam for the suspension of sentence in Cr.M.P.No.1243 of 2018."

4.Considering the submissions made, this Court considers it appropriate to modify the conditions imposed by this Court. Accordingly, the order of this Court dated 02.04.2018 made in CrI.M.P.(MD) No.1243 of 2018 in CrI.A.(MD) No.95 of 2015 stands modified and instead of the condition requiring the petitioner to execute a bond for a bond in a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum, the petitioner as also his mother shall now execute bonds in a sum of Rs.5,000/- (Rupees Five Thousand only) each to the satisfaction of learned Judicial Magistrate, Thirumangalam, whereupon the petitioner shall be released on bail. However, the requirement of the petitioner appearing before the said Court on the first working day of every English Calender month at 10.30 a.m. pending appeal shall hold good.

sd/-
23/07/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM, MADURAI.
2. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE
TIRUMANGALAM TOWN POLICE STATION, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
6. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- +1. C.C. to MR.R.VENKATESAN Advocate SR.No.13745

ORDER IN
CRL MP(MD) No.5371 of 2018
IN CRL A(MD) No.95 of 2018
Date :23/07/2018