

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2019

CORAM :

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

Crl.O.P.No.13682 of 2019

Kubenthiran

.. Petitioner/
Petitioner

Vs.

State, represented by
The Sub Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.

.. Respondent/
Respondent

Prayer : Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C., praying to modify the conditions imposed on the petitioner made in C.M.P.No.1595 of 2019 dated 15.03.2019 on the file of the Judicial Magistrate No.II, Coimbatore to the effect of waiving the condition to execute a bond for a sum of Rs.10,000/- along with two Solvencies sureties to the satisfaction of Judicial Magistrate No.II, Coimbatore District.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. Side)

O R D E R

This petition has been filed by the accused to modify the condition imposed by the learned Judicial Magistrate No.II, Coimbatore, in C.M.P.No.1595 of 2019 dated 15.03.2019.

2.The petitioner herein was arrested and remanded to judicial custody on 10.11.2018 in Crime No.253 of 2018 for the offences under Sections 392 r/w. 397 IPC. Since, charge sheet was not filed within a period of 90 days, the learned Judicial Magistrate No.II, Coimbatore, passed an order on 15.03.2019 as follows :

''This petition is allowed and the petitioner is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- along with two Solvencies sureties each for a like sum with a condition to appear and sign before the respondent police daily once at 10.00 a.m. for a period of 30 days.''

3.The learned counsel for the petitioner has submitted that the petitioner is not able to produce solvent sureties and hence, the said condition may be modified.

4.Considering the said submission, the order passed by the learned Judicial Magistrate is modified as follows.

The petitioner shall be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Coimbatore. The sureties shall file an affidavit along with house tax receipt/kist receipt to show that they are having property, instead of producing solvency certificate. The other condition that the petitioner should appear before the respondent police daily at 10.00 a.m. for a period of 30 days shall continue.

5.With the above modification, this Criminal Original Petition is disposed of.

Sd/-

Vacation officer

//True Copy//

Sub Assistant Registrar

mkn

To

1.The Judicial Magistrate No.II,
Coimbatore District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr. W.Camyles Gandhi, Advocate SR.No. 44227

A.SK(27/05/2019)

Cr1.O.P.No.13682 of 2019