

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P. No.15510 of 2019

Abdul Sithiq @ ABT Sithiq
S/o.Abdul Rasool

... Petitioner / Accused

Vs.

The State rep. by
The Inspector of Police,
D-3, Ice House Police Station,
Chennai.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 r/w 439(1)(b) Cr.P.C. to modify the condition imposed in Crl.M.P.No.9747 of 2019 dated 29.05.2019 by the learned VII Additional Judge/Vacation Session Judge, Chennai and extend the time for the petitioner's surrender.

For Petitioner : Mr.M.Hussaini Basha

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition is filed for modification to modify the condition imposed in Crl.M.P.No.9747 of 2019 dated 29.05.2019 by the learned VII Additional Judge/Vacation Session Judge, Chennai, thereby imposed the condition that the petitioner shall deposit a sum of Rs.10,000/- with two sureties each to the credit of Crime No. Not known of 2019.

2. It is seen that the petitioner has already been granted anticipatory bail by an order dated 15.05.2019 in Crl.M.P.No.8936 of 2019, by the learned VII Additional Judge/Vacation Session, Chennai and due to the ill-health of the petitioner's mother, the petitioner could not comply with the conditions. Therefore, the petitioner filed an extension petition for extension of further time in Crl.M.P.No.9747 of 2019. While considering the said petition, the learned Judge has imposed condition that to deposit a sum of Rs.10,000/- with two sureties each to the credit of the Crime No. Not known/2019, as per the order passed in Crl.M.P.No.8936 of 2019 dated 15.05.2019.

3. The learned counsel appearing for the petitioner would submit that while granting anticipatory bail to the petitioner, the Court below did not impose any condition with regard to deposit of money and on the extension petition filed by the petitioner herein, the Court below imposed the above said condition. Therefore, he prays to modify the said condition imposed.

4. The learned Additional Public Prosecutor submitted that since the petitioner did not comply with the conditions imposed by the Court below, the present condition has been imposed. Therefore, she prays to dismiss the petition.

5. Considering the above facts and circumstances, the condition imposed by the learned VII Additional Judge/Vacation Session, Chennai in Crl.M.P.No. 9747 of 2019 on 29.05.2019, that the petitioner shall deposit a sum of Rs.10,000/- with two sureties each to the credit of the Crime No. Not known/2019, is set aside and accordingly, this petition is allowed. The other conditions shall remain intact and the petitioner is directed to comply with the conditions in Crl.M.P.No.8936 of 2019 dated 15.05.2019.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rts

To

1. The VII Additional Judge
Vacation Session Judge,
Chennai
2. The Inspector of Police,
D-3, Ice House Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Hussaini Basha, Advocate, S.R.No.49697

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AK/RTS (CO)
SSM(18/06/2019)