

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.07.2019

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.17175 of 2019

R.Manikandan

... Petitioner/Petitioner

Vs.

The State represented by the
The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
(Crime No.338 of 2018)

... Respondent/Respondent

Prayer: Criminal Original Petition filed under Section 439 (1) (b) of Cr.P.C. to modify the condition imposed on the petitioner made in C.M.P.No.7459 of 2018 dated 12.10.2018 on the file of the learned Judicial Magistrate, Avinashi "(ii) the sureties shall file the house tax receipt along with solvency certificates. At least one surety must be blood surety".

For Petitioner : Mr.A.Sathishkumar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition is filed to modify the bail condition that the petitioner shall execute "the sureties shall file the house tax receipt along with solvency certificates. At least one surety must be blood surety". imposed in CMP.No.7459/2018 on 12.10.2018 by the learned Judicial Magistrate, Avinashi.

2. The case of the prosecution is that the petitioner trespassed into the defacto complainant house and the offence have been charged under Section 392 of IPC. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 04.08.2018 by the respondent police. Further he would submit that, the petitioner was detained after the statutory period of 68 days and therefore, he filed a petition for the grant of statutory bail under Section 167(2) Cr.P.C. The learned

Judicial Magistrate, Avinashi District was pleased to grant bail to the petitioner by an order dated 12.10.2018. However, while ordering bail to the petitioner, the learned Magistrate, imposed certain conditions as follows :-

" (ii) the sureties shall file the house tax receipt along with solvency certificates. At least one surety must be blood surety".

The learned counsel for the petitioner would further submit that while the petitioner was enlarged on statutory bail under Section 167(2) Cr.P.C., no condition can be imposed and it is onerous and stringent. Therefore, he prays to modify the conditions imposed, while he was granted bail.

4. Per contra, the learned Additional Public Prosecutor would submit that the petitioner is accused in Crime No. 338 of 2018 registered, under Sections 392 of IPC. She would further submit that the accused belongs to other District, he is an habitual offender. Therefore, she vehemently opposed to modify the condition imposed by the Court below.

5. Heard Mr.A.Sathishkumar, learned Counsel appearing for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondent.

6. It is seen that the petitioner is the accused in Crime No.338 of 2018 registered, under Sections 392 of IPC. Considering, the above facts and circumstances of this case, this Court does not find any merits in this petition and not inclined to modify the condition.

7. Accordingly this Criminal Original Petition is dismissed.

Sd/-

सत्यमेव जयते Assistant Registrar(Insp.Cell)

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Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Avinashi.

2.The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.

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VBA (CO)
CSL/30.07.2019



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