

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.17176 & 17202 of 2019

Biju Nair

... Petitioner in both the Crl.O.Ps

vs.

State Rep. By,
The Inspector of Police,
District Crime Branch Police Station,
Coimbatore.

... Respondent in both the Crl.O.Ps

COMMON PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to modify the 2nd condition of the condition modification order in Crl.M.P.Nos.1833 & 1834/2019 in CMP.Nos.5069 & 5183/2019 in C.C.Nos.594 & 595/2016 imposed by the Learned Principal and Sessions Judge, Coimbatore that "instead of to produce Rs.2,00,000/- worth solvency which obtained from Tahsildar, the petitioner may be permitted to deposit Rs.2,00,000/- in cash before the Judicial Magistrate Court VI, Coimbatore in C.C.Nos.594 & 595/2016" respectively.

(In both the Crl.OPs)

For Petitioner : Mr.P.Prakash Paul

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

COMMON ORDER

These petitions have been filed seeking to modify the condition imposed by the Principal District and Sessions Court, Coimbatore by order dated 17.06.2019 in CMP.Nos.1833 and 1834 of 2019.

2.The respondent police registered an F.I.R. in Crime No.1 of 2009 for an offence under Section 420 of I.P.C. against the petitioner. The petitioner was arrested and remanded to judicial custody. The petitioner filed a bail petition before the Court below and the Judicial Magistrate No.6, Coimbatore by order

dated 30.05.2019 granted bail by imposing certain conditions.

3.The petitioner was aggrieved by the 2nd condition that was imposed by the Judicial Magistrate and had filed a modification petition before the Principal District and Sessions Judge, Coimbatore. The Sessions Court after considering the entire facts and circumstances of the case was pleased to modify condition No.2 imposed by the trial Court as follows:-

"2.The petitioner is directed to execute a bond for Rs.1,00,000/- with two sureties [one surety must be a resident of Coimbatore and other surety shall be a resident of Kerala and to produce Rs.2,00,000/- worth solvency which obtained from Tahsildar."

4.The learned counsel for the petitioner submitted that the petitioner instead of producing Rs.2,00,000/- solvency certificate, is willing to deposit in cash a sum of Rs.2,00,000/- and that the condition to that extent can be modified.

5.Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

6.The order passed by the Principal District and Sessions Judge, Coimbatore is modified to the effect that the petitioner will execute the bond for a sum of Rs.1,00,000/- with two sureties wherein one surety shall be resident of Coimbatore and other surety shall be resident of Kerala and the petitioner shall deposit a sum of Rs.2,00,000/- in Crime No.1 of 2009 before the Judicial Magistrate No.6, Coimbatore.

7.Both the Criminal Original Petitions are disposed of with the above modification.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1.The Judicial Magistrate VI,
Coimbatore.

2.The Principal Sessions Judge,
Coimbatore.

3.The Inspector of Police,
District Crime Branch Police Station,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

+4ccs to Mr.P.Prakash Paul, Advocate, S.R.No.55139 & 55140

CrI.O.P.Nos.17176 & 17202 of 2019

MG (CO)

RRS (02/07/2019)



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