

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.07.2019
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No18072 of 2019

Mr.Radha Krishnan

... Petitioner

Vs.

State: Sub-Inspector of Police,
Uthangarai Police Station,
Krishnagiri District,
(Crime No.402 of 2017) Respondent

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the condition imposed on the petitioner that he shall execute a separate bond for a sum of Rs.10,000/- along with two sureties like such sum among the sureties one of the surety shall be family member/blood relative of the accused and among the sureties one of the surety shall produce the original property document in this Court in Crl.M.P.No.412 of 2018 dated 13.04.2018 on the file of the Judicial Magistrate, Uthangarai.

For Petitioner : Mr.Saravanan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed seeking modification of the bail condition imposed on 13.04.2018 in Cr.M.P.No.412 of 2018 by the Judicial Magistrate, Uthangarai.

2. The learned counsel for the petitioner submitted that the Judicial Magistrate, Uthangarai, while granting bail to the petitioner, imposed several conditions. One of the condition is that 'among sureties one of the surety shall produce the original property document in this Court.' He further submitted that the petitioner could not able to arrange surety having property document. Therefore, the petitioner is not able to comply with the above said conditions. He also submitted that the petitioner is in jail for more than 390 days and hence, he prays for modification of the above condition.

3. The learned Additional Public Prosecutor would submit that the Court below considered the petitioner's bail petition on merit and rightly imposed the above said conditions. Therefore, she vehemently opposed to modify the condition.

4. Heard Mr. P. Saravanan, learned counsel appearing for the petitioner and Mrs. M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondent police.

5. It is seen that, the petitioner was granted bail by the learned Judicial Magistrate, Uthangarai by an order dated 13.04.2018 in CrI.M.P.No.412 of 2018. while, granting bail the learned Magistrate imposed the conditions as follows:

1. The petitioner/Accused shall execute a bond each for a sum of Rs.10,000/- along with two sureties like such sum.

2. Among the sureties one of the surety shall be the family member/blood relative of the accused.

3. Among sureties one of the surety shall produce the original property document in this Court.

4. The sureties shall affix their photographs and put their thumb impression in the surety bond.

5. Petitioner/Accused shall appear before this Court and sign for the period of 30 days with out fail.

6. The petitioner/Accused shall not meet or tamper the witnesses during the investigation and trial period.

Since the petitioner could not able to arrange the surety having property document, he is not able to come out on bail.

6. Considering the above facts and circumstances the condition No.3 imposed by the learned Judicial Magistrate, Uthangarai in Cr.M.P.No.412 of 2018 dated 13.04.2018 i.e., 'among sureties one of the surety shall produce the original property document in this Court.' is set aside. The other conditions shall remain intact.

7. Accordingly, This Criminal Original petition is ordered.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vsn

To

1.The Judicial Magistrate,
Uthangarai.

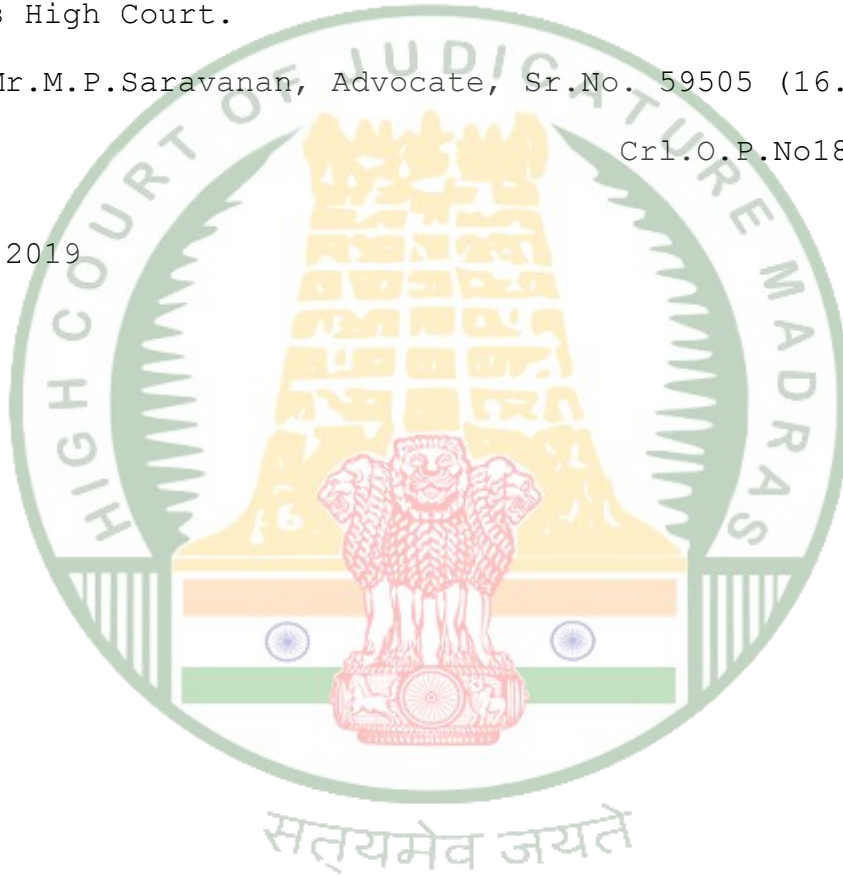
2.TheSub-Inspector of Police,
Uthangarai Police Station,
Krishnagiri District,

3.The Public Prosecutor,
Madras High Court.

+1 cc to Mr.M.P.Saravanan, Advocate, Sr.No. 59505 (16.07.2019)

CrI.O.P.No18072 of 2019

NM(CO)
CSL/15.07.2019



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