

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.07.2019
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No18099 of 2019

G.Prathap

... Petitioner/Accused

Vs.

State: Sub-Inspector of Police,
Uthangarai Police Station,
Krishnagiri District,
(Crime No.120 of 2017)

... Respondent/Claimant

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 each and one of the sureties should submit the original property document for worth of Rs.5,00,000/- and one of the surety should be blood relative of the accused in Crl.M.P.No.1217 of 2019 dated 30.05.2019 on the file of the Judicial Magistrate, Uthangarai.

For Petitioner : Mr.M.P.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 30.05.2019 in Cr.M.P.No.1217 of 2019 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 'One of the sureties should submit the original property document for worth of Rs.5,00,000/- and one of the surety should be the blood relative of the accused'. 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 160 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 30.05.2019 in CrI.M.P.No.1217 of 2019. 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 each.

2. One of the sureties should submit the original property document for worth of Rs.5,00,000/- and one of the surety should be the blood relative of the accused.

3. The Petitioner/Accused shall appear before this Court daily at 10.00 a.m., and sign for 30 days without fail.

4. The Petitioner/Accused shall not involve in the similar offences in future days.

5. The petitioner/Accused shall cooperate the police for interrogation.

6. The petitioner/Accused shall appear in Court on summons.

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

6. Considering the above facts and circumstances the condition No.2 imposed by the learned Judicial Magistrate, Uthangarai in Cr.M.P.No.1217 of 2019 dated 30.05.2019 i.e., 'One of the sureties should submit the original property document for worth of Rs.5,00,000/- and one of the surety should be the blood relative of the accused.' is deleted and modified as "the petitioner shall produce two blood related sureties each to the like sum". The other conditions shall remain intact.

7. Accordingly, this Criminal Original petition is ordered.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Uthangarai.

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

3.The Superintendent,
Central Prison,
Salem.

4.The Public Prosecutor,
Madras High Court.

+lcc to Mr.M.P.Saravanan, Advocate sr.60293

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