

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26068 of 2019

Vinothkuberan @ Vinoth @ Kumar

...Petitioner

Vs.

The State
Rep by Inspector of Police,
AVS-1 Police Station,
Chennai.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition of the IV Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.6446 of 2019 dated 17.09.2019 in respect only to the condition "(i)the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties to the like sum each. One of the surety must be his blood relative or his wife." to "the petitioner shall execute a bond for a sum of Rs.10,000/- with any two sureties to the like sum each".

For Petitioner : Mr.N.Nishar Ahamed

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused, has been granted bail by the learned IV Metropolitan Magistrate, Saidapet, Chennai on 17.09.2019 in Crl.M.P.No.6446 of 2019 for the offences under Sections 3(2)a, 4(1) and 5(1)(a) of I.T.P. Act on certain conditions. Seeking to modify the same, the present petition has been filed.

2. It is now a settled law that when a Court considers a statutory bail, onerous condition cannot be imposed and the Court has to satisfy itself with the only requirement as to whether the accused persons are prepared to furnish bail. Useful reference can be made to the Judgement of this Court in 2019 1 LW(Crl.) 387 in the case of Umadevi Vs. The State Rep. by the

Inspector of Police, EOW II, Coimbatore. Therefore, the condition imposed by the Court below requires interference and since the petitioner is not in a position to comply with the said condition, he is not able to come out on bail till today.

3. In the result, the condition imposed by the Court below directing the petitioner to execute a bond for a sum of Rs.10,000/- with two sureties to the like sum each and one of the surety must be his blood relative or his wife is modified to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum.

4. All other observations made in the earlier order dated 17.09.2019 in CrI.M.P.No.6446 of 2019 shall remain intact.

5. Accordingly, this Criminal Original Petition stands ordered.
hvk

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. IV Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
AVS-1 Police Station,
Chennai.
3. The Additional Public Prosecutor,
High Court of Madras.

+1cc to Mr.N.Nishar Ahmed, Advocate, SR.No.83734

CrI.O.P.No.26068 of 2019

Kak (30/09/2019)

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