

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.12.2019
CORAM
THE HONOURABLE MR. JUSTICE N.SESHASAYEE
CRL.O.P. No.32953 of 2019

K.Senthilkumar

... Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
CCB, Salem,
Salem District.
(Crime No.11 of 2019)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to modify the order passed in Crl.M.P.No.6092 of 2019, dated 25.10.2019, on the file of the Judicial Magistrate Court-III, Salem, in so far relates to the condition that the government servant should give surety.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.S.Thankira
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to modify the condition imposed in Crl.M.P.No.6092 of 2019 dated 25.10.2019, on the file of the Judicial Magistrate Court- III, Salem, thereby imposed the condition that the petitioner should give one government servant surety.

2. The case of the prosecution is that the petitioner along with other accused prepared the bogus appointment order and after receipt of Rs.1.5 Lakhs from the defacto complainant, issued the appointment order as if he was appointed as Computer operator in District Court, Salem. Hence, a case was registered in Crime No.11 of 2019 for the offences under Sections 465, 468, 471 and 420 of IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 25.08.2019 by the respondent police. Further he would submit that, the petitioner was detained after the statutory period of 60 days and therefore, he filed a petition in Crl.M.P.No.6092 of 2019, for the grant of statutory bail under Section 167(2) Cr.P.C. The learned Judicial Magistrate III, Salem, was pleased to grant bail to the petitioner by an order

dated 25.10.2019. However, while ordering bail to the petitioner, the learned Magistrate, imposed condition as follows :-

"4..... Hence, this Court is constrained to release the petitioner on bail on executing of bond of each Rs.10,000/- along with 2 sureties, one surety must be a blood relative of the petitioner and another surety must be a government Servant, solvencies for the like sum....."

The learned counsel appearing for the petitioner would further submit that no government servant will stand as surety for the accused in criminal cases and hence, he prays to modify the above said condition imposed by the Court below.

4. Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioner has committed very serious offence and hence the learned Magistrate has rightly imposed the above said condition. Therefore, she vehemently opposed to modify the condition imposed by the Court below.

5. Considering the submission made on either side, this Court is inclined to modify the condition imposed by the learned Judicial Magistrate III, Salem, in CrI.M.P.No.6092 of 2019 dated 25.10.2019, to the effect that the petitioner shall produce two sureties and one should be a blood relative of the petitioner. The other conditions shall remain intact. Accordingly, this Criminal Original Petition stands allowed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

rts

To

1. The Presiding Officer,
Judicial Magistrate Court- III, Salem,
2. The Inspector of Police,
CCB, Salem,
Salem District.

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3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.C.Prakasam Advocate sr102363

CRL.O.P. No. 32953 of 2019

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