

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.29391 of 2018

Satish @ Kuppan

... Petitioner

Vs.

State,
represented by
The Inspector of Police,
Katpadi Police Station,
Vellore District

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the First Additional Sessions Judge, Vellore to accept the sureties of the petitioner 1.Tamil Selvi W/o Kalaiarasan, 46 years residing at No.24, Kori Lane, Veera Nagar, Naranallur, Thiruchy District and 2. Mahalakshmi, W/o Karuppusamy, 43 years, residing at No.752, Kamarajar Nagar, Tharanallur, Thiruchi District and release the petitioner Satish @ Kuppan, son of Palani.

For Petitioner : M/s.R.Sankarasubbu

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

ORDER

This petition has been filed to direct the First Additional Sessions Judge, Vellore to accept the sureties of the petitioner 1.Tamil Selvi W/o Kalaiarasan, 46 years residing at No.24, Kori Lane, Veera Nagar, Naranallur, Thiruchy District and 2. Mahalakshmi, W/o Karuppusamy, 43 years, residing at No.752, Kamarajar Nagar, Tharanallur, Thiruchi District and release the petitioner Satish @ Kuppan, son of Palani.

2. The learned counsel for the petitioner would submit that the petitioner was enlarged on bail in Cr1.O.P.No.17440 of 2018 dated 06.08.2018 on condition that he shall execute a bond for a sum of Rs.10,000/- with two surities. He further submits that

the petitioner offered two sureties with all necessary documents, but the same was rejected.

3. The learned Additional Public Prosecutor would submit that the address in Aadhar card, Ration card and voter ID of the one, Tamilselvi was different and therefore the same was not accepted.

4. It is seen that this Court while granting bail to the petitioner, imposed conditions as follows:

"[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the learned I Additional District and Sessions Judge, Vellore, daily at respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC."

It is also seen that that the petitioner furnished sureties before the concerned court one, Tamilselvi w/o Kalaiarasan, another one Mahalakshmi w/o Karuppusamy and they produced ration card as well as aadhar card, but both belong to same person. Further while this Court granting bail to the petitioner imposed condition that one should be blood relative and each should execute a bond for a sum of Rs.10,000/-, and no property documents were ordered to be required for accepting the sureties.

5. Considering the above facts and circumstances of the case, and also the period of incarceration from 28.03.2017, the learned I Additional Sessions Judge, Vellore is directed to accept the sureties of one, Tamilselvi and another Mahalakshmi after verifying their residential proof and identification proof and pass orders.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ksa-2/lok

To

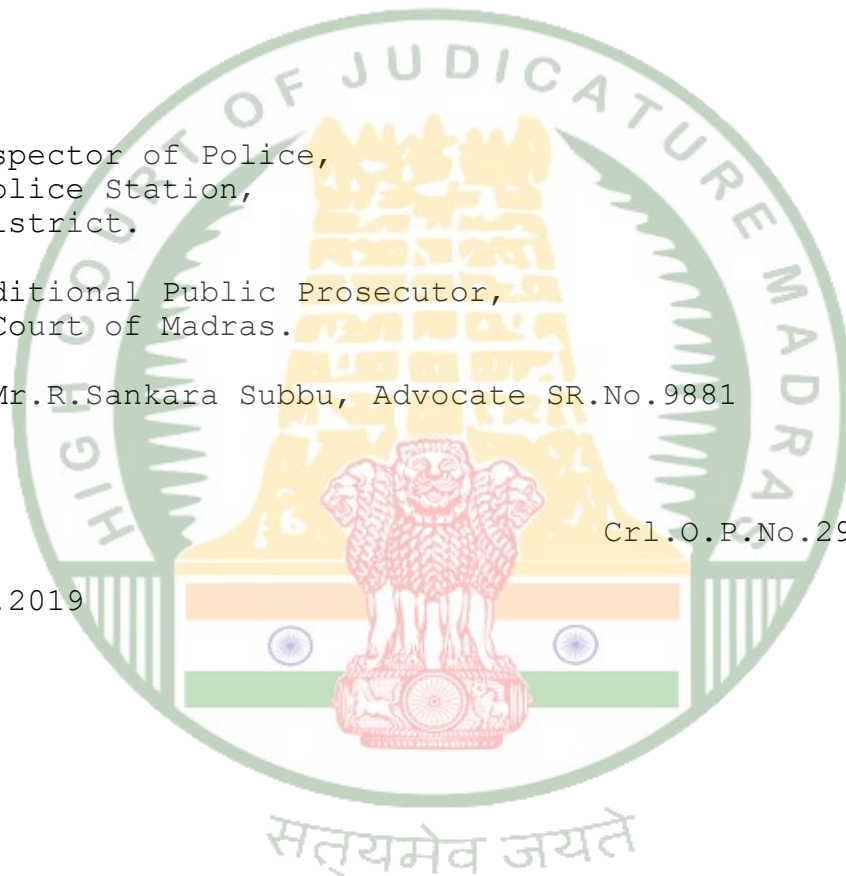
1. The Inspector of Police,
Katpadi Police Station,
Vellore District.

2. The Additional Public Prosecutor,
High Court of Madras.

+1 cc to Mr.R.Sankara Subbu, Advocate SR.No.9881

SSD(CO)
CSL/21.02.2019

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