



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9337 of 2019

1. Ganesan,
S/o. Pandi, Keezhachempur, Thiruchuli
Taluk, Virudhunagar District.

2. Pandi,
S/o. Nalla Thambi, Keezhachempur,
Thiruchuli Taluk, Virudhunagar District.

... Petitioners/Petitioners/Accused 1 and 2

Vs

The Inspector of Police,,
Veeracholan Police Station,
Virudhunagar District, Crime No.62/2018.

... Respondent/Respondnet/Complainant

For Petitioner : M/s.S.J.Chakkaravarthy,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

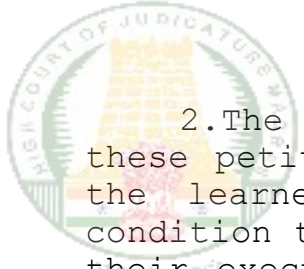
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To modify the condition passed in Crl.M.P.No.3641/2019 in Crime No.62/2018 dated 03/04/2019 by the Judicial Magistrate, Aruppukottai as regular sureties instead of blood sureties as well as not insisting the residential address of the petitioners within Aruppukottai Taluk premises.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner to modify the condition passed in Crl.M.P.No.3641 of 2019 in Crime No.62/2018 dated 03/04/2019 by the Judicial Magistrate, Aruppukottai as regular sureties instead of blood sureties as well as not insisting the residential address of the petitioners within Aruppukottai Taluk.



2. The learned counsel for the petitioners has submitted that these petitioners were granted bail under Section 167(2) Cr.P.C by the learned Judicial Magistrate, Aruppukottai on 03/04/2019 on condition that the petitioners are ordered to be released on bail on their executing a bond for Rs.10,000/- and on executing two blood sureties. He further submitted that though the petitioners were granted bail on 03/04/2019, they are still in custody. He further submitted that the petitioners are unable to arrange two blood sureties and no relatives have come forward for giving surety for them. He further submitted that since the petitioners are father and son, there is no other relative for them to give sureties. Hence he prays to modify the aforesaid condition and permit the petitioners to furnish one blood surety and another surety from third parties. He further submitted that the learned Judicial Magistrate also imposed a condition that the sureties shall file an undertaking affidavit mentioning the address in which both the petitioners shall reside within the Aruppukottai Taluk premises until further orders after being released on bail and the sureties shall also give an undertaking in the same affidavit that the petitioners shall not directly or indirectly cause any threat or injury to the defacto complainant, his family and other witnesses involved in this case. He further submitted that since the learned judicial Magistrate imposed a condition in condition No.4 that the petitioners shall not leave beyond Aruppukottai Taluk, the condition No.3 is an unnecessary one and further the sureties cannot give any such assurances and hence he prayed to delete the condition No.3 imposed by the Judicial Magistrate.

3. Heard the learned Government Advocate (Crl.Side.

4. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioners are in custody from 26.12.2018, the condition imposed by the learned Judicial Magistrate, Aruppukottai, is modified to the effect that the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai. Further condition imposed by learned Judicial Magistrate, Aruppukottai, in para 9 (3) shall stand deleted. All other conditions in the said order shall remain unaltered.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)



TO

1.The Superintendent, Central Prison,
Madurai.

2.The Inspector of Police,,
Veeracholan Police Station,
Virudhunagar District, Crime No.62/2018.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

4.The Judicial Magistrate, Aruppukottai.

+1cc to Mr.S.J.CHAKKARAVARTHY, Advocate, SR.No.73081

ORDER

IN

CRL OP (MD) No.9337 of 2019

DAS

KK/SAR/04.07.2019/3P-6C