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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11179 of 2019

Kannan,
S/o.Perumal, 7-A/115, Lakkan Street,
Vadamadurai, Dindigul District.

... Petitioner/Accused

Vs

The Inspector of Police,
Karuppayoorani Police Station, Madurai
District (Crime No.65 of 2019).

... Respondent/Complainant

For Petitioner : M/s.S.Poornachandran,
Advocate.

For Respondent : Ms.Anantha Devi,
Government Advocate (Crl.Side)

PETITION FOR MODIFICATION Under Sec.439(1) (b) of Cr.P.C

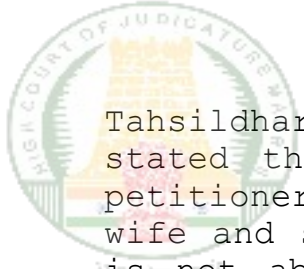
PRAYER :-

To modify the conditions imposed in Cr.M.P.No.1789 of 2019 on the file of Judicial Magistrate No.II, Madurai

ORDER : The Court Made the following order :-

This petition has been filed by the accused to modify the condition Nos. 2 and 3 imposed by the learned Judicial Magistrate No.II, Madurai in Cr.M.P.No.1789 of 2019 dated 27.06.2019.

2. The learned counsel for the petitioner would submit that the respondent police has registered a case against the petitioner herein in crime number 65 of 2019 under Sections 170,392 of IPC. He further submitted that the petitioner has surrendered before the learned Judicial Magistrate No.II, Madurai on 27.05.2019 and subsequently he filed petition seeking bail in Cr.M.P.No.1789 of 2019. He further submitted that the learned Judicial Magistrate No.II, Madurai, while granting bail vide order dated 27.06.2019 has imposed four conditions and in the condition no.2, the learned Magistrate has directed the petitioner that he shall produce nativity certificate and solvency certificate from the concerned



Tahsildhar for the sureties and in the condition no.3 he has stated that one surety should be blood related surety of the petitioner. He further submitted that the petitioner is having wife and sister but they are not having any property and hence he is not able to get solvency certificate from the Tahsildhar. He would further submit that as against the order passed by the learned Judicial Magistrate No.II, Madurai, he has filed Crl.M.P.No.3062 of 2019 before the Principal Sessions Judge, Madurai to modify the said condition, but the learned Sessions Judge vide order dated 22.07.2019 has dismissed the said petition. Hence he prays to modify the said condition to enable the petitioner to avail the benefit of the bail order.

3. The learned Government Advocate(Crl.Side) would submit that since the petitioner is having six previous cases including one murder case, the respondent police has opposed to release the petitioner on bail and on considering the same the learned Magistrate has imposed the aforesaid condition. Hence she strongly opposed to modify the said condition.

4. Considering the submission made by the learned counsel for the petitioner, the condition no.2 and 3 imposed by the learned Judicial Magistrate No.II, Madurai are modified to the effect that one of the sureties should be a blood related surety of the petitioner and the said surety can file an affidavit and proof to show that he/she is a blood related surety of the petitioner and he /she need not produce any solvency certificate and that the third party surety is concerned he/she should get solvency certificate/ nativity certificate from the concerned Tahsildhar. All other conditions imposed by the learned Magistrate No.II, Madurai shall remain intact.

5. This petition is ordered with the above modification.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

TO

1. Judicial Magistrate No.II, Madurai.

2. Do-Through The Chief Judicial Magistrate,
Madurai District.

3. The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.



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

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ORDER IN
CRL OP(MD) No.11179 of 2019
Date : 07/08/2019

TR (07.08.2019) 3P 5C