



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.14275 of 2019

WEB COPY

1.Pattasu @ Jeyapal

2.Bharath @ Bharathi

3.Balaji

4.Jeyamani ... Petitioners/Petitioners/Accused Nos.1 to 4

Vs

The State rep. by
the Sub Inspector of Police,
Sindhupatti Police Station,
Theni District.

(Crime No.35 of 2019) ... Respondent/Respondent/Complainant

PRAYER: Petition filed under Section 439(ii)(b) Code of Criminal Procedure, to modify the condition imposed by the Court below in Cr.M.P.No.3737 of 2019 on the file of the learned Principal Sessions Judge, Madurai, by an order dated 05.09.2019 in the Crime No.35 of 2019 on the file of the respondent police.

For Petitioners : Mr.S.Balaji

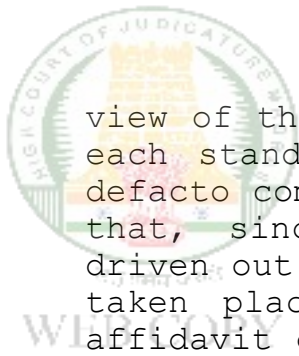
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

ORDER

The petitioners are accused in Crime No.35 of 2019 registered on the file of the Sindhupatti Police Station for the offences under Sections 448, 436 and 506(ii) of IPC. They moved the Principal Sessions Court seeking anticipatory bail. The Court below was pleased to grant them relief. But then, the petitioners were put on terms. They were asked to pay cash surety of Rs.17,500/- each. Aggrieved by the said condition, this criminal original petition has been filed.

2. The petitioner's counsel states that the petitioners are eking out their livelihood as manual labour and that, they do not have means to make the said payment.

3. In any event, it is not open to the Court to impose cash surety as it is only a concession available to the accused. In this



view of the matter, the condition to pay cash surety of Rs.17,500/- each stands deleted. It appears that the daughter-in-law of the defacto complainant is closely related to the petitioners herein and that, since the defacto complainant's daughter-in-law has been driven out from the matrimonial home, the occurrence in question had taken place. The petitioners will come forward to execute the affidavit of undertaking to the effect that they will keep off from the defacto complainant.

4. Recording the said undertaking, the impugned condition is set aside. This criminal original petition stands allowed. Time to surrender and execute sureties stands extended by two more weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Sub Inspector of Police,
Sindhupatti Police Station,
Theni District.

2.The Principal Sessions Judge, Madurai.

+1 CC to M/s.S.BALAJI, Advocate (SR-91817[F] dated 15/10/2019)

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KK/SAR/25.10.2019/2P-4C/