

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P.No.1564 of 2020

M.Rajendran

... Petitioner

Vs.

The State represented by
The Inspector of Police,
CCIW CID, Salem.

... Respondent

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to set aside the order passed by the Principal District Session Court in Crl.M.P.No.1250 of 2019 dated 24.04.2019, and to modify the condition No.2 in the bail order of Judicial Magistrate-I, Sankari.

For Petitioner : Mr.D.Mario Johnson
For Respondent : M/S. S.Thankira
Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed seeking to set aside the order passed by the Principal District Session Court in Crl.M.P.No.1250 of 2019 dated 24.04.2019, and to modify the condition No.2 in the bail order of Judicial Magistrate-I, Sankari.

2. The learned counsel for the petitioner submitted that the learned Sessions Judge has observed in his order that the elder son of the petitioner is ready to give surety. He stated that petitioner and his wife are living separately due to certain matrimonial differences, and that the elder son is living with his wife and added that the Court may not insist on blood surety.

3. This Court perused the order of the Sessions Judge. It appears to this Court that the issue before the learned Sessions Judge is all about producing certain solvency certificate and not about the choice of the surety. Since the learned Sessions Judge has observed in his order that the elder son of the

petitioner is ready to offer surety, the present statement now made by the learned counsel appears to counter the observations made by the learned Sessions Judge.

4. This Court, therefore, directs the petitioner to move the learned Sessions Judge since the learned Sessions Judge will be in a better position to decide as to what appears to be conflicting stand adopted by the petitioner.

5. Accordingly, this Criminal Original Petition is disposed of.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

mpa
To

1. The learned Judicial Magistrate-I,
Sankari
 2. The Inspector of Police,
CCIW CID, Salem.
 3. The Public Prosecutor,
Madras High Court.
- +1 Cc to Mr.D.Mario Johnson, Advocate sr 5992.

Cr1.O.P.No.1564 of 2020

GMR(CO)
SP(21/02/2020)

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