



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P.No.1512 of 2020

Amithkumar Amith Biswass

... Petitioner

Vs.

State by
Sub Inspector of Police
Nangavalli Police Station
Salem District, Crime No.186/2019

... Respondent

PRAYER: Criminal Original petition has been filed under Sections 439(1)(B) of the Code of Criminal Procedure, to set aside the order passed in CMP.No.4082 of 2019 and modify the condition imposed in C.M.P.No.3997 of 2019 by the District Court at Salem on 11.12.2019.

For Petitioner : Mr.Praveen Alexander

For Respondent : Mrs. 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 in C.M.P.No.4082 of 2019 and modify the condition imposed in C.M.P.No.3997 of 2019 by the District Court at Salem on 11.12.2019.

2.The petitioner was granted bail by the District Court at Salem on 11.12.2019, in C.M.P.No.3997 of 2019 and one of the bail conditions stipulated therein was that "the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, out of whom one must be a Blood related surety and another must be a Government Official Surety each for a like sum each to the satisfaction of the Learned Judicial Magistrate No.1, Mettur".

3.The learned counsel for the petitioner submitted that one of the sureties to be produced is blood surety. The petitioner produced his cousin, which, the Trial Court has refused to



accept. Hence, the petitioner is not in a position to offer any blood surety and also a Government Official Surety to produce before the Trial Court. Accordingly, prays for appropriate modification of the same.

WEB COPY

4. In the light of the above, the order passed in C.M.P.No.4082 of 2019 dated 20.12.2019, is hereby set aside. The order passed in C.M.P.No.3997 of 2019, dated 11.12.2019 by the District Court, Salem is modified. The learned Magistrate is now required to accept the sureties offered by the petitioner in C.M.P.No.3997 of 2019, dated 11.12.2019.

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

s/d-

Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

To

1. The District Judge, Salem.

2. Sub Inspector of Police
Nangavalli Police Station
Salem District, Crime No.186/2019

3. The Public Prosecutor,
Madras High Court.

4. The Judicial Magistrate-I,
Mettur.

5. The Principal Sessions Judge,
Salem.

+1cc to Mr. Praveen Alexander, Advocate Sr.6511 [29/01/2020]

Cr1.O.P.No.1512 of 2020

bp[co]
srg 28/01/2020