

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P.No.2732 of 2020

1.Gubendiran

2.Veerapandiyan

... Petitioners/Accused No.1 & 2

Vs.

State Rep. by

The Inspector of Police,
Sankari Police Station,
Salem District.

... Respondent/Complainant

PRAYER: Criminal Original petition has been filed under Sections 439(1)(b) of the Code of Criminal Procedure, to set aside the order passed by the learned Principal Sessions Judge, Salem, Salem District Crl.M.P.No.193 of 2020 in Crl.M.P.No.4059 of 2019 dated 20.01.2020.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mrs. S.Thankira

Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed seeking for to set aside the order passed by the learned Principal Sessions Judge, Salem, Salem District Crl.M.P.No.193 of 2020 in Crl.M.P.No.4059 of 2019 dated 20.01.2020.

2. The case of the prosecution is that on 12.09.2019, the petitioners way-laid the defacto complainant and robbed a sum of Rs.1000/- at knife point. On investigation the respondent police arrested the petitioners and remanded to judicial custody on 19.09.2019. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner was granted bail on 19.12.2019 by the learned Principal Sessions Judge, Salem, in Crl.M.P.No.4059 of 2019 and one of the bail conditions stipulated was that "the petitioners are ordered to be released on bail on their executing a bond each for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of whom one must be a blood related surety and another surety must be a Government Official Surety".

4. The learned counsel for the petitioner submitted that the petitioner had filed a modification petition in CMP.No.193 of 2020 in CMP.No.4059 of 2019 before the learned Principal Sessions Judge, Salem. On 20.01.2020, the modification petition was dismissed by the said Court. Hence, he seeks to set aside the order passed by the Court below.

5. In view of the submission made by the learned counsel for the petitioner, the dismissal order passed by the learned Principal Sessions Judge, Salem, is hereby set aside. This Court modifies the condition imposed by the learned Principal Sessions Judge, Salem, in Crl.M.P.No.4059 of 2019, dated 19.12.2019 to the extent that "the petitioners are ordered to be released on bail on their executing a bond each for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties out of whom one must be blood related surety and another one must be a local Surety instead of Government Surety, each for a like sum to the satisfaction of the respondent police."

6. With the above modification, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Salem.

2. The Inspector of Police,
Sankari Police Station,
Salem District.

3. The Additional Public Prosecutor,
Madras High Court.

+1cc to Mr.E.Kannadasan, Advocate sr.10587

Crl.O.P.No.2732 of 2020

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nr 11/02/2020