

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P.No. 2596 of 2020

Kamala Kannan

... Petitioner/Accused 1

Vs.

State Rep by,  
The Inspector of Police,  
Peerkankaranai Police Station,  
Chennai.

Crime No.153 of 2019 ... Respondent/Complainant

PRAYER: Criminal Original petition has been filed under Section 439(i)(b) of the Code of Criminal Procedure, to modify the conditions imposed in Crl.M.P.No.3774 of 2019 dated 10.07.2019 by the learned Judicial Magistrate, Tambaram, Kanchipuram District in Crime No.40 of 2019 on the file of the respondent.

For Petitioner : Mr.D.Gopikrishnan

For Respondent : Mrs. S.Thankira  
Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed to modify the conditions imposed in Crl.M.P.No.3774 of 2019 dated 10.07.2019 by the learned Judicial Magistrate, Tambaram, Kanchipuram District.

2.The petitioner was granted bail on 10.07.2019 by the learned Judicial Magistrate, Tambaram, Kanchipuram District, in C.M.P.No.3774 of 2019 and one of the bail conditions stipulated was that "the petitioner shall execute a bond Rs.5,000/- and he shall furnish two sureties among them one must be blood relative".

3.The learned counsel for the petitioner submitted that the petitioner suffers from HIV for the last 10 years and produced necessary medical records to substantiate it and because he is a HIV patient, his blood relatives have abandoned him, as a

consequence, he is languishing in jail since he could not produce any blood relative as surety.

4. In view of the submission made by the learned counsel for the petitioner, this Court modifies the condition imposed by the learned Judicial Magistrate, Tambaram, Kanchipuram District in C.M.P.No.3774 of 2019, dated 10.07.2019 to the effect that the petitioner shall execute a bond for a sum of Rs.5,000/- and he shall furnish two local sureties".

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

Sd/-  
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

tsg

To

1. The Judicial Magistrate, Tambaram,  
Kanchipuram District.
2. The Inspector of Police,  
Peerkankaranai Police Station,  
Chennai.
3. The Public Prosecutor,  
Madras High Court.

+1cc to Mr.D.Gopikrishnan, Advocate SR.No.13730

Cr1.O.P.No. 2596 of 2020

RJI (CO)  
GMY (24/02/2020)

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