

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P.No. 3060 of 2020

Manjula

... Petitioner/Accused

Vs.

State Inspector of Police,
Maraimalainagar Police Station,
Cr.No.110 of 2019

... Respondent/Complainant

PRAYER: Criminal Original petition has been filed under Sections 482 of the Code of Criminal Procedure, to set aside the order imposed by learned Judicial Magistrate II Chengalpattu (FAC) Dated 15.11.2019 in Crl.M.P.No.9999 of 2019 (on the file of the Judicial Magistrate No.II(FAC), Chengalpattu) in Cr.No.110/2019 on the file the respondent police.

For Petitioner :Mr.S.Senthilvel

For Respondent :Mrs. S.Thankira

Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed to set aside the order imposed by learned Judicial Magistrate II Chengalpattu(FAC) Dated 15.11.2019 in Crl.M.P.No.9999 of 2019.

2. The accusation against the petitioner is that she had murdered her husband. The petitioner was arrested and remanded to judicial custody on 26.03.2019. Hence, the complaint.

3. The petitioner was granted bail on 04.07.2019 by the learned Judicial Magistrate No.II, Chengalpattu(FAC) in C.M.P.No.5844 of 2019 and one of the bail conditions stipulated was that " the petitioner/accused shall execute a bond for Rs.10,000/- with sureties each for the like sum to the satisfaction of this court. One sureties is blood surety and another surety is normal surety".

4. The learned counsel for the petitioner submitted that the petitioner was granted statutory bail under Section 167(2) Cr.P.C., and one of the condition imposed was that she must produce one blood surety. The learned counsel added that the accusation against the petitioner is that she had murdered her husband. Trusting this allegation of the prosecution, her blood relatives have abandoned her. Thus, she is languishing in jail despite an order of bail granted on 04.07.2019 in C.M.P.No.5844 of 2019.

5.It is obvious that notwithstanding the fact that a direction to produce blood surety is not a onerous one, in the present case the petitioner is unable to produce blood sureties as her blood relatives are not forthcoming to help her. In view of the submission made by the learned counsel for the petitioner, this Court sets aside the order imposed by learned Judicial Magistrate II, Chengalpattu(FAC) Dated 15.11.2019 in CrI.M.P.No.9999 of 2019 and modifies the condition imposed by the learned Judicial Magistrate No.II, Chengalpattu(FAC) in C.M.P.No.5844 of 2019, dated 04.07.2019 to the effect that the petitioner/accused shall execute a bond for Rs.10,000/- with two local sureties each for the like sum to the satisfaction of this court.

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

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate II,
Chengalpattu(FAC)

2.The Inspector of Police,
Maraimalainagar Police Station.

3.The Public Prosecutor,
Madras High Court.

CrI.O.P.No. 3060 of 2020

VSNII(CO)
SP(19/02/2020)