

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Crl.O.P.No.3393 of 2020

A.Jayaprakash

.... Petitioner /Accused

Vs

The State, Rep. by its
The Inspector of Police
Cheyyar Police Station
Thiruvannamalai District.

.... Respondent

Prayer :- Criminal Original Petition filed under Section 439(1) (b) of Criminal Procedure Code, to modify the condition imposed in the order dated 31.12.2019 in Crl.MP.No.5275 of 2019, passed by the learned Judicial Magistrate, Cheyyar, Thiruvannamalai District, "the petitioner shall execute a bond for a sum of Rs.5,00,000/- with two sureties each for a like sum, out of sureties, one surety shall be "Government Employee".

For Petitioner : Mr.A.Jeeva
For Respondent : Ms.S.Thankira,
Government Advocate [Crl Side]

ORDER

This petition is filed to modify the condition No.1, imposed by the learned Judicial Magistrate, Cheyyar, in CMP.No.5275/2019.

2. The learned counsel for the petitioner submitted that the petitioner is an accused of an offence under Section 399 IPC., in Crime No.600/2019, on the file of the respondent police, and there are no previous cases pending against him, and he added that the petitioner is in judicial custody from 23.08.2019, and that he has been granted bail by the learned Judicial Magistrate, Cheyyar on 31.12.2019, and one of the condition imposed by the learned Magistrate is that the petitioner shall execute a bond for a sum of Rs.5,00,000/- with two sureties, and one of the them, must be a Government surety. The learned counsel also added that the petitioner is a poor and at any rate, he is the first time offender and the only allegation is that he is preparing for committing dacoity, and there is no case of actual dacoit.

3. Given the nature of the accusation made, the condition imposed is disproportionately onerous and it may be modified.

4. This Court, repeatedly receives orders passed by the learned Judicial Magistrates imposing conditions, which are incapable of being complied with. It appears that the Magistrates are need to be informed as to how the conditions are to be imposed. This Court, therefore directs the Registry to forward a copy of the order of the learned Judicial Magistrate, Cheyyar in CMP.No.5275/2019, to the Director of the Tamil Nadu State Judicial Academy. On two earlier occasions, the Director of the Tamil Nadu State Judicial Academy has been informally told about the tendencies of certain learned Magistrates in this regard. The Director of the Tamil Nadu State Judicial Academy may discuss with the Board of Governors and organise a session on how the conditions need to be imposed by the learned Magistrates while granting bail.

5. Turning to the merit of this case, this Court modifies the condition No.1 imposed in CMP.No.5275/2019, to the effect that the petitioner shall execute a surety bond for the sum of Rs.10,000/- (Rupees Ten Thousand only). This petition is ordered accordingly.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To:

1. The Director of the Tamil Nadu State Judicial Academy, Chennai
2. The Judicial Magistrate,
Cheyyar.
3. The Public Prosecutor
High Court, Madras.

+1 CC to Mr.A.Jeeva, advocate sr 3161.

Cr1.OP.No.3393 of 2020

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