

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.03.2020
CORAM
THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
CRL.O.P.No.5302 of 2020

Pakthiraj

... Petitioner/ Petitioner/Accused

Vs.

State rep by
Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore.
Crime No.19 of 2019.

... Respondent/Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. to modify the condition "The sureties should produce a solvency certificate for the surety amount / property and the accused should also execute a bond to the like sum" imposed by the Learned Sessions Judge, Mahila Court, Coimbatore order passed in Crl.M.P.No.4 of 2019 dated 18.12.2019.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Ms.S.Thankira
Govt. Advocate (Criminal Side).

O R D E R

This criminal original petition has been filed to modify the condition imposed on the petitioner in Crl.M.P.No.4 of 2019 dated 18.12.2019 by the learned Sessions Judge, Mahila Court, Coimbatore.

2. The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 12.09.2019 by the respondent police in Crime No.19 of 2019 for the offences punishable under Sections 294(b), 323, 506(i) of IPC and r/w 5(m), 7 and 8 of Pocso Act. He would further submit that the petitioner is in custody for more than 140 days. Since, the charge sheet was not filed, the petitioner filed a petition under Section 167(2) of Criminal Procedure Code seeking bail and the learned Sessions Judge, Mahila Court, Coimbatore, by an order dated 18.12.2019 in Crl.M.P.No.4 of 2019, granted bail to the petitioner on condition that the petitioner to produce the residential proof, aadhar card and ration card of the accused with two sureties for a sum of Rs.25,000/- each, in which one of

them should be a blood relative. The further condition is that the sureties were directed to produce a solvency certificate for the surety amount / property and the accused should also execute a bond to the like sum.

3. The learned counsel for the petitioner would further submit that the blood relatives of the petitioner are very poor and that they are unable to produce sureties for the amount of Rs.25,000/- and they are also unable to produce the solvency certificate for the surety amount / property due to which, the petitioner is unable to come out from the prison.

4. The learned counsel for the petitioner would further submit that the petitioner can produce two sureties out of which one surety will be a blood surety and both the sureties will be able to produce sureties to a sum of Rs.10,000/-. Hence, he prays for modification of the said conditions. He further submitted that since, it will take time for obtaining the solvency certificate, a direction may be issued to the concerned Court not to insist for the solvency certificate.

5. Heard the learned Additional Public Prosecutor appearing for the respondent Police.

6. Considering the above facts and circumstance, the condition imposed on the petitioner is modified to the effect that the petitioner shall produce two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand Only) out of which, one surety shall be blood / relative surety.

7. The learned Sessions Judge, Mahila Court, Coimbatore is directed not to insist for the production of solvency certificate for the surety / property.

8. Accordingly, this petition is allowed and the other conditions shall remain intact.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

smv

To

1. The Sessions Judge,
Mahila Court, Coimbatore.

2. Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.N.Balakrishnan Advocate sr21754

CRL.O.P.No.5302 of 2020

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