

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 5702 of 2020

Prabhakaran

... Petitioner /Accused

Vs.

State Rep. By
The Inspector of Police,
T-2 Ambattur Estate Police Station,
Chennai District.
(Crime No. 724 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original petition has been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the condition that the petitioner should furnish 2 sureties of which one from family, on the file of the learned Judicial Magistrate Judge at Ambattur, imposed in C.M.P.No.381 of 2020 order dated 23.01.2020.

For Petitioner : Ms.Indira R.S

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed seeking modification of the bail condition imposed on 23.01.2020 in C.M.P.No.381 of 2020 by the learned Judicial Magistrate Judge, Ambattur.

2. The learned counsel for the petitioner would submit that the petitioner was arrested on 19.11.2019 in Crime No.724 of 2019 for the offences under sections 3(2)(a),4(1),5(1)(a) ITP Act. He would submit that the petitioner was granted statutory bail under Sections 167(ii) Cr.P.C on 23.01.2020 by the learned Judicial Magistrate Judge, Ambattur in C.M.P.No.381 of 2020 and imposed some conditions. One of the bail condition imposed was that "the petitioner shall execute bond for a sum of Rs.10,000/- with two sureties for like sum (1 from family) ".

3. The learned counsel for the petitioner further submitted that the petitioner's parents are no more and that he has no other relatives to support him and thereby he is unable to comply with the condition and unable to come out from prison, though, he has been granted bail on 23.01.2020. Hence he seeks to modify the condition imposed by the Court below.

4. In view of the submission made by the learned counsel for the petitioner, this Court modifies the said condition imposed by the learned Judicial Magistrate Judge, Ambattur in C.M.P.No.381 of 2020 dated 23.01.2020 to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, and the learned Magistrate shall not insist for any of the family members as surety.

5. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mpa

To

1. The Judicial Magistrate Judge,
Ambattur.
2. The Inspector of Police,
T-2 Ambattur Estate Police Station,
Chennai District.
3. The Public Prosecutor,
Madras High Court.

+1cc to Mr.R.S.Indira, Advocate, S.R.No. 22306

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NRJK(CO)
GN(13/03/2020)