

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.3963 of 2020

& Crl.O.P.No.8395 of 2018

Mandabai @ Vignesh

.... Petitioner

Vs.

The State rep. by

The Inspector of Police,

J-11, Kannagi Nagar Police Station,

Chennai - 600 097.

(Crime No.1505 /2016)

....Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 482 Cr.P.C., to modify the order dated 20.03.2018 in Crl.O.P.No.8395 of 2018 permit the petitioner to execute the own bond in lieu of executing a bond for a like sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the learned Principal District Sessions Judge, Chengalpattu.

For Petitioner : Mr.J.B.Solomon Peter Kamaldoss

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

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The petitioner filed this petition to modify the conditions imposed by the order dated 20.03.2018 in Crl.O.P.No.8395 of 2018 to permit the petitioner to execute the own bond in lieu of executing a bond for a like sum of Rs. 10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the learned Principal District Sessions Judge, Chengalpattu.

2. The petitioner/accused in Crime No.1505/2016 for the

<https://hcservices.ecourts.gov.in/hcservices/> ordered under Sections 147,148,149, 294 (b), 324, 307 IPC @

147, 148, 149, 294 (b), 324, 307, 302 (2 Counts) IPC and he was a judicial custody from 22.05.2017.

3. The learned counsel for the petitioner submitted that the petitioner was enlarged on bail by this Court on 20.03.2018 in Crl.O.P.No.8395 of 2018 on condition that he is released on bail and execute surety a sum of Rs.10,000/- with two sureties each for a like sum and thereafter the petitioner report before the learned Principal District Sessions Judge, Chengalpattu on all working days and also the report before the respondent police on every Saturday and Sunday at 10.30 a.m., until further orders. The petitioner produced surety as per the order passed by the Hon'ble High Court and the same was not accepted and rejected by the learned Principal District Sessions Judge, Chengalpattu. Due to which, the petitioner is inside the jail for more than 14 months despite bail granted. The learned counsel for the petitioner further submitted that charge sheet filed and the case is pending trial in S.C.No.198 of 2017, on the file of the learned Principal District Sessions Judge, Chengalpattu.

4. The learned counsel for the petitioner submitted that the petitioner's family is from lower income group and his father passed away on 12.12.2002. The petitioner and his brother are working as Carpenters and his mother is a house maid. The petitioner is residing at Slum Clearance tenement in Kannagi Nagar, Okkiyam, Thuraippakkam. The trial Court insisting property document or solvency certificate while executing the bond for Rs.10,000/-. The petitioner is unable to find any relative or any other person with a property, who can offer security on his own. Hence, seeking modification of bail conditions, this petition is filed.

5. The petitioner produced the copy of his mother's ration card and the copy of his brother's, Karthick Raja, bike Registration Certificate, which is worth about Rs.30,000/- The petitioner submits that his mother and brother are the blood relatives willing to be surety. Their surety must be taken and accepted.

6. Taking into consideration the fact that the petitioner is in confinement for more than 1 ½ years even after getting order of bail, which would go to show the petitioner is indigent, the learned Principal District Sessions Judge, Chengalpattu is directed to accept the blood relative surety of petitioner mother and brother who can produce, a copy of ration card and bike Registration Certificate. Further the petitioner to appear before the trial Court on all hearing dates and to report before the respondent police on every Saturday at 10

intact.

With the above modification, this Criminal Miscellaneous petition is allowed.

-sd/-
27/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT
SESSIONS JUDGE, CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
J-11 KANNAGI NAGAR POLICE STATION,
CHENNAI 600 097.

C.C. to M/S J.B.SOLOMON PETER KAMAL DO Advocate on
payment of necessary charges

The Government Advocate, High Court, Madras - 104.

WEB COPY
Order
in
CRL MP.3963/2020

in
CRL OP.8395/2018

Date :27/05/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format