

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8106 of 2020

Elango

... Petitioner

Vs.

The State Rep.by
Inspector of Police,
Vellakovil Police Station,
Tiruppur District.
(Crime No.552 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Criminal Procedure Code to modify the conditions(i)The petitioner/accused is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- along with two sureties each for like sum and one surety must be blood surety. The sureties shall produce the solvency certificates obtained from not below the rank of Tahsildar.(ii)The petitioner/accused shall appear before the respondent police and sign daily once at 10 A.M. until further orders, imposed in Crl.M.P.No.1177 of 2020 on the file of the learned Judicial Magistrate, Kangayam by appreciating the above stted facts and circumstances.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

(The case has been heard through Video Conference)

This criminal original petition has been filed seeking to modify the order dated 26.05.2020 passed by the learned Judicial Magistrate, Kangayam made in Crl.M.P.No.1177 of 2020.

2.The learned counsel appearing for the petitioner would submit that the petitioner was arrested on 16.10.2019 in Crime No.552 of 2019 registered by the respondent police for the offence under Sections 302 and 201 of IPC. He would submit that after lapse of 224 days, since the final report was not filed, the petitioner had applied for statutory bail in Crl.M.P.No.1177 of 2020 before the Judicial Magistrate, Kangayam and the learned Judge by order dated 26.05.2020 was pleased to grant bail to the petitioner on condition to execute a bond for Rs.10,000/- along with two sureties each for the like sum and one surety must be a blood surety. He further would submit that the learned Judge also imposed a condition that the sureties shall produce the solvency certificates obtained from an officer not below the rank of Tahsildhar and that, the petitioner shall appear before the respondent police and sign daily once at

10.00 am. until further orders. The learned counsel also would submit that due to prevailing pandemic situation, the petitioner's relatives are unable to execute the surety. The learned counsel would submit that the petitioner's relatives though are prepared to stand a surety, they do not possess any property and thereby they are unable to produce solvency certificates as insisted by the learned Judge and thereby the petitioner is unable to come out on bail. He also would submit that the petitioner is prepared to produce one surety, who is a relative and also another surety who is a local resident of Tiruppur district. He would further submit that since a condition has been imposed that he should be appeared before the respondent police and sign daily once at 10.00 a.m until further orders, it would be difficult to travel daily all the way from Erode to Tiruppur, which is native District. Hence, he seeks modification.

3. The learned Additional Public Prosecutor vehemently opposed that it is a case of brutal murder and thereby opposed for modification of conditions.

4. Heard both sides and perused materials.

5. The petitioner has been arrested and remanded to Judicial Custody

on 16.10.2019. He had filed an application for bail under Section 167(2) of Cr.P.C, and the learned Judge granted bail, after 224 days. However, since there was a condition imposed that the sureties shall produce the solvency certificates obtained from not below the rank of Tahsildhar, the petitioner has not come out on bail.

6. Taking into consideration of the fact that the petitioner has been granted bail after lapse of 224 days and he is unable to produce the solvency certificates, the condition in respect of production of Solvency Certificates is set aside, instead the petitioner shall produce two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)each, out of which, one surety should be a blood surety and the other person should be a person hailing from Tiruppur District. The other condition that the petitioner shall appear before the respondent police and sign daily once at 10.30 a.m. is modified to the effect that the petitioner shall appear before the respondent police on every Monday at 10.30a.m until further orders.

7. Accordingly, this Criminal Original Petition is ordered.

05.06.2020

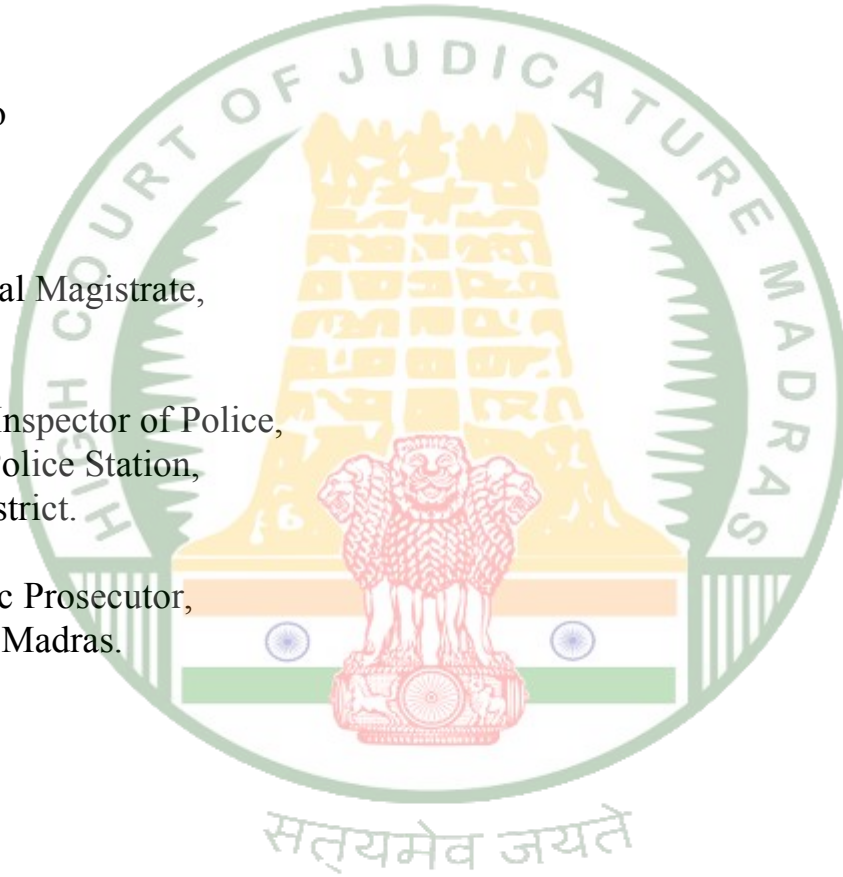
Index:yes/no
rpl

To.

1.The Judicial Magistrate,
Kangayam.

2. State by Inspector of Police,
Vellakovil Police Station,
Tiruppur District.

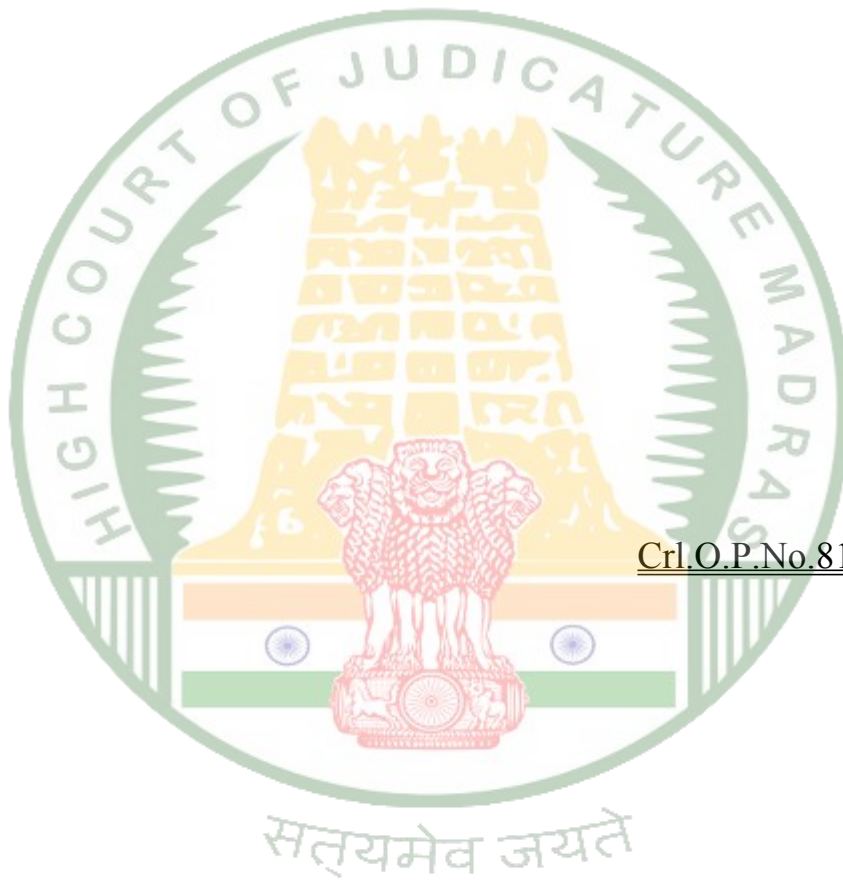
3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

rpl



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