

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.10241 of 2020

Karthik, age 26,
S/o.Madhu,
Mayiladumparai Village,
Karappatu Post,
Uthankarai District.

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
Crime No.474 of 2019

... Respondent

Prayer: Criminal Original Petition filed under Section 439 (1) (b) of Cr.P.C. to modify the condition imposed by the learned Principal Sessions Judge Vellore, Vellore District in Crl.M.P.No.959 of 2020 dated 25.02.2020 in Crime No.474 of 2019 on the file of the Inspector of Police, Tirupattur Taluk Police Station, Tirupattur District that the petitioner shall execute a bond for a sum of Rs.10,000/- along with two sureties for the like sum to the satisfaction of the Judicial Magistrate No.II, Tirupattur, Tirupattur District.

For Petitioner : M/s.Karana and Uday
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The criminal original petition has been filed to modify the condition imposed by the learned Principal Sessions Judge Vellore, Vellore District in Crl.M.P.No.959 of 2020 dated 25.02.2020 in Crime No.474 of 2019 on the file of the Inspector of Police, Tirupattur Taluk Police Station, Tirupattur District that the petitioner shall execute a bond for a sum of Rs.10,000/- along with two sureties for the like sum to the satisfaction of the Judicial Magistrate No.II, Tirupattur, Tirupattur District.

2. The learned Counsel for the petitioner submitted that the petitioner was arrested in Crime No.474 of 2019 registered by the respondent police for the offences under Section 302 of IPC dated 10.12.2019 and the petitioner was granted bail by the learned Principal Session Judge, Vellore in Crl.M.P.No. 959 of 2020 dated 25.02.2020 on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties for the

like sum to the satisfaction of the Judicial Magistrate No.II, Tirupattur, Tiruppattur District. He further submit that due to Covid Pandemic and lockdown, the Courts have been closed and that the petitioner was unable to furnish sureties before the Judicial Magistrate No.II, Tirupattur. He further submit that the bail has been granted as early as on 25.02.2020 and that the petitioner still in judicial custody. Hence, he prays to modify the said condition and permit the petitioner to execute own bond before the prison authorities since, the petitioner is unable to furnish sureties before the concerned Magistrate.

3. The learned Additional Public Prosecutor also concurred with the statement of the learned Counsel for the petitioner that the petitioner was arrested on 10.12.2019 and was granted bail by the learned Principal Sessions Judge Vellore, Vellore District on 25.02.2020 in Crl.M.P.No.959 of 2020.

4. Taking in to consideration the facts of the submissions made by the learned Counsel for the petitioner and considering the fact that the petitioner is in judicial custody from 10.12.2019 and unable to come out from the prison despite bail is granted to him on 25.02.2020, this Court is inclined to modify the condition and the said condition is modified to the effect that the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- before the Superintendent of the

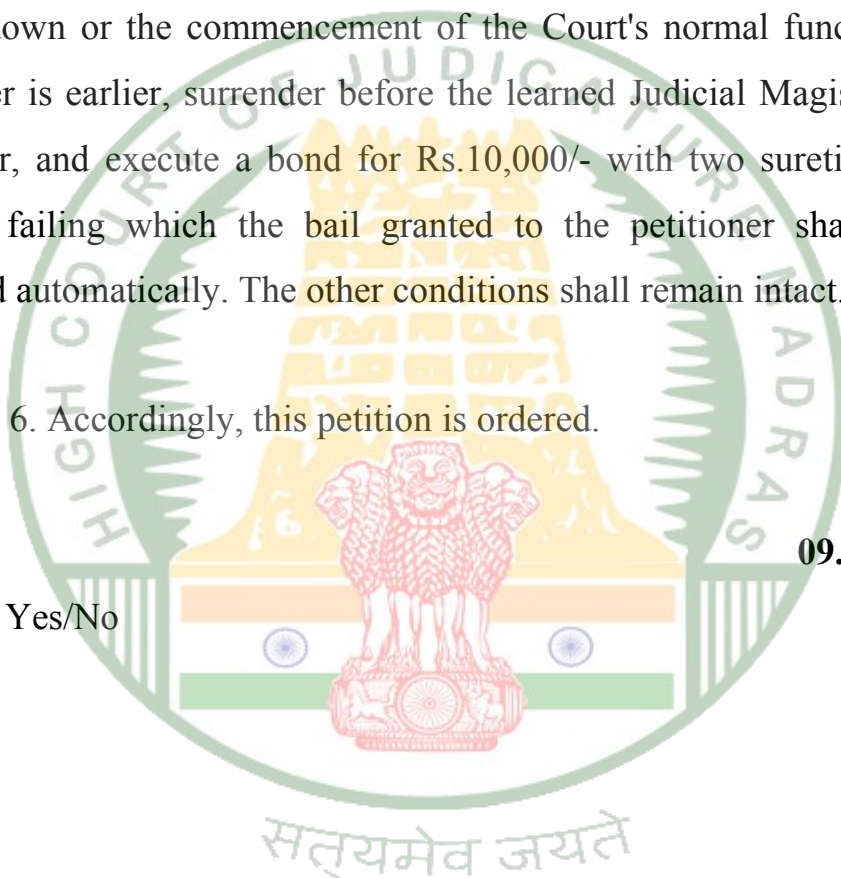
concerned prison, in which the petitioner has been confined and thereafter, on his release;

5. The petitioner shall within two weeks from the date of lifting of lockdown or the commencement of the Court's normal functioning, whichever is earlier, surrender before the learned Judicial Magistrate-II, Tirupattur, and execute a bond for Rs.10,000/- with two sureties for a likesum, failing which the bail granted to the petitioner shall stand dismissed automatically. The other conditions shall remain intact.

6. Accordingly, this petition is ordered.

09.07.2020

Internet : Yes/No
ebsi



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To

1. The Principal Session Judge,
Vellore.
2. The Judicial Magistrate No.II,
Tirupattur.
3. The Central Jail,
Vellore.
4. The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
5. The Public Prosecutor,
High Court, Madras.

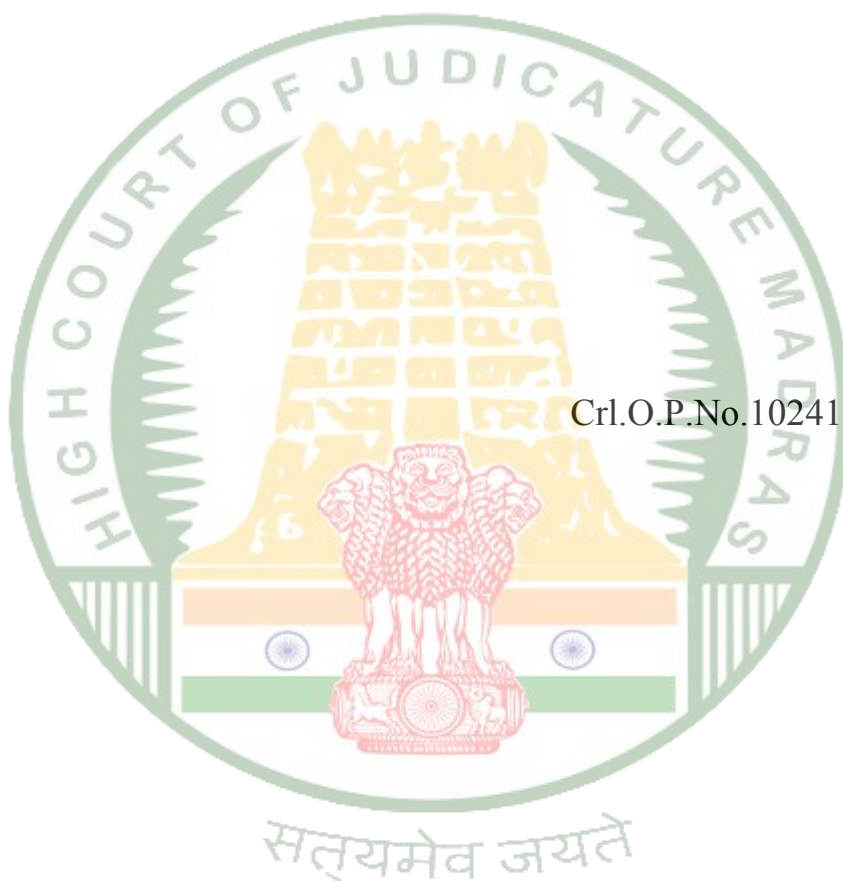


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A.D.JAGADISH CHANDIRA, J.

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