

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

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THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.12211 of 2020

Anbu
S/o Rajendran

... Petitioner

Vs.

The State Represented by,
Inspector of Police,
Maraimalar Nagar Police Station,
Kancheepuram District.
(Crime Number. 93 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439(1) (b) Cr.P.C. to modify the condition imposed by the Judicial Magistrate Court No.II Chengalpattu, by its order dated 11.03.2020 made in Crl.M.P.No.2137 of 2020 as to execute a bond for a sum of Rs.10,000/- with two sureties each for the like sum satisfaction of the Judicial Magistrate Court No.II Chengalpattu instead of the condition that the petitioner has to give one of the surety blood surety with solvency certificate and other surety with proper solvency certificate.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr. K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This petition has been filed to modify the condition imposed by the Judicial Magistrate Court No.II, Chengalpattu, dated 11.03.2020, in Crl.M.P.No.2137 of 2020 that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties each for the like sum to the satisfaction of the Judicial Magistrate Court No.II Chengalpattu on a condition that one of the surety blood surety with solvency certificate and other surety with proper solvency certificate.

2. The counsel for the petitioner would submit that the petitioner is aged about 22 years and he was granted bail on 11.03.2020 in Crl.M.P.No.2137 of 2020 by the Judicial Magistrate No.II, Chengalpattu, with a condition that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties each for the like sum to the satisfaction of the Court on a condition that one of the surety blood surety with solvency certificate and other surety with proper solvency certificate. He would further submit that the petitioner's relative is unable to arrange for the

solvency certificate. Thereafter, he moved statutory bail under Section 167(2) Cr.P.C. in Crl.M.P.No.3040 of 2020 for modification of the condition and the learned Judge dismissed the same and thereby the petitioner, despite the order granted on 11.03.2020 is in the prison for more than eight months. Thereafter, against the dismissal order in Crl.M.P.No.3040 of 2020, the petitioner filed Crl.M.P.No.2405 of 2020 before the Court of Principal Sessions Judge, Kancheepuram District at Chengalpattu seeking for modification of the condition and the learned Judge has dismissed the petition for modification and thereby, the petitioner has approached this Court. He would submit that the petitioner is prepared to give two sureties out of which one shall be a friend or relative and another shall be a blood relative and prays that taking into consideration the age of the petitioner, the condition to furnish solvency certificate may be modified.

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3. In view of the above submissions, the condition imposed as against the petitioner in in Crl.M.P.No.2137 of 2020 dated 11.03.2020 is modified and the petitioner shall produce two sureties out of which one

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surety shall be a blood surety and the other surety shall be either a friend or relative. The condition to furnish solvency certificate is set aside.

4. With the above directions, this Criminal Original Petition is ordered. The other conditions shall remain intact.

14.08.2020

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
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To

1. The Judicial Magistrate Court No.II Chengalpattu.

2. The Inspector of Police,
Maraimalar Nagar Police Station,
Kancheepuram District.
(Crime Number. 93 of 2020)

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12211 of 2020