

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.07.2020

CORAM

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

Crl.O.P.No.10604 of 2020

1.Muthupandi, M/20 years,
S/o.Selvam,
Kothai Street,
Periyakottai,
Sivagangai District.

2.Sugumar, M/23 years,
S/o.Shanmugam,
No.1/34 Kallupatti,
Valuthani,
Sivagangai District.

... Petitioners/Accused 3 & 4

Vs.

The State represented by,
The Inspector of Police,
J5, Sasthri Nagar Police Station,
Chennai.
(Crime No. 136 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to grant and modify the condition imposed on the petitioners by the learned Principal District and Sessions Judge, Chennai in Crl.M.P.No.7413 of 2020 dated

18.05.2020 “the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- each (Rupees ten thousand only) with two sureties each, both the sureties must be blood relatives, for a like sum to the satisfaction of the learned IX Metropolitan Magistrate, Chennai”.

For Petitioners : Mr.V.Vargees Amal Raja

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This petition has been filed to modify the condition imposed on the petitioners by the learned Principal District and Sessions Judge, Chennai, in Crl.M.P.No.7413 of 2020 dated 18.05.2020 as “the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- each (Rupees ten thousand only) with two sureties each, both the sureties must be blood relatives, for a like sum to the satisfaction of the learned IX Metropolitan Magistrate, Chennai”.

2. The learned counsel appearing for the petitioners would submit that the petitioners were arrested on 08.03.2020 in Crime No. 136 of 2020. He would submit that the petitioners were granted bail by the learned Principal

District and Sessions Judge, Chennai, in Crl.M.P.No.7413 of 2020, dated 18.05.2020, on condition that the petitioners should execute a bond for a sum of Rs.10,000/-, each to the satisfaction of the learned IX Metropolitan Magistrate, Chennai, and that both the sureties should be blood relatives. He would submit that due to the lockdown, the Courts are not functioning and the petitioners are unable to furnish the sureties before the learned IX Metropolitan Magistrate, Chennai and that they are still in judicial custody. Hence, he prays to modify the said condition and permit the petitioners to execute their own bond before the prison authorities since, the petitioners are unable to furnish sureties before the concerned Magistrate.

3. Taking into consideration the pandemic situation and that still the petitioners are in jail, the condition imposed by the learned Principal District and Sessions Judge, Chennai, in Crl.M.P.No.7413 of 2020 dated 18.05.2020 is modified to the effect that “the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand)” each before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter, on their release;

4. 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 IX Metropolitan Magistrate, Chennai, and execute separate bonds for Rs.10,000/- (Rupees Ten Thousand Only) with **two blood/relative sureties** for a likesum, failing which the bail granted to the petitioners shall stand dismissed automatically.

5. Further, the petitioners shall appear every day at 10.30 a.m., before the Sivagagai Police Station, for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders. The other conditions shall remain intact.

6. Accordingly, this petition is ordered.

16.07.2020

Internet : Yes/No
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To

1.The IX Metropolitan Magistrate, Chennai.

2.The Court of Sessions, Chennai.

3.The Inspector of Police,
J5, Sasthri Nagar Police Station,
Chennai.

4.The Superintendent, Central Prison,
Puzhal, Chennai.

5.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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