

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11979 of 2020

Manikandan @ Kunjumani

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No. 61 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1) (B) of Criminal Procedure Code to modify the condition imposed in Crl.M.P.No. 899 of 2020 by the learned Judicial Magistrate, Dharapuram, Tiruppur District vide order dated 12.05.2020 in Cr.No.61 of 2020 on the file of the Inspector of Police, Dharapuram Police Station, Tiruppur District

For Petitioner : M/s.A.Saranraj

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The learned counsel for the petitioner would submit that the petitioner was arrested on 09.03.2020 for the offences punishable under sections 392, R/w. Section 397 of I.P.C. The petitioner filed application for bail under section 167(2) Cr.P.C in C.M.P.No.899 of 2020 before the Judicial Magistrate, Dharapuram. The learned Judge was pleased to grant bail to the petitioner with condition that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties for a like sum and one surety shall be a blood related surety. The sureties shall produce the solvency certificate obtained from an officer not below the rank of Thasildhar. He would submit that the petitioner is unable to arrange the solvency certificate. He would also submit that because of the above condition imposed, the petitioner is unable to come out on bail.

2.The learned Government Advocate (Crl.Side) would submit that the petitioner along with other accused robbed the Mangalya sutra of the defacto complainant and caused injury to her. He would further submit that the petitioner is a habitual offender and that there are 15 previous cases pending as against the petitioner and that is the reason the learned Judge imposed the stringent condition to the effect that the petitioner shall produce the solvency certificate . Submitting so, he would object the present petition.

3.Taking into consideration, the facts of the case and that the petitioner is involved in 15 previous cases of similar nature, this Court is not inclined to modify the condition imposed in Crl.M.P.No. 899 of 2020 by the learned Judicial Magistrate, Dharapuram, Tiruppur District vide order dated 12.05.2020. Accordingly, this Criminal original petition is dismissed.

-sd/-
12/08/2020

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 JUDICIAL MAGISTRATE,
DHARAPURAM, TIRUPPUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. A.SARANRAJ Advocate on payment of necessary charges

CRL OP.11979/2020

Date :12/08/2020

TA-21/09/2020