

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :01.10.2020

CORAM :

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

Crl.O.P.No.15637 of 2020

Anil Singh @ Anil Kumar
S/o.Jaipal Singh

... Petitioner

Vs.

State Represented By
The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur, Tamil Nadu.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1)(b) of Criminal Procedure Code praying to relax and modify the conditions of the bail order dated 07.05.2020 in Crl.M.P.No.950 of 2020 passed by the learned Judicial Magistrate, Palladam.

For Petitioner : Mr.K.M.Kalicharan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते

ORDER

(The case has been heard through video conference)

This Criminal Original Petition has been filed to relax and modify the conditions of the bail order dated 07.05.2020 in Crl.M.P.No.950 of 2020 passed by the learned Judicial Magistrate, Palladam.

2. The learned counsel for the petitioner would submit that the petitioner was arrested by the respondent police in connection with a case registered in Crime No.39 of 2020 for the offences under sections 380, 454 and 457 IPC, and he was remanded to judicial custody on 07.03.2020. Since the respondent police did not file charge sheet within the statutory period, the learned Judicial Magistrate was pleased to grant statutory bail to the petitioner on 07.05.2020 with the following conditions:

- i. The petitioner has to produce two sureties worth Rs.1,00,000/- each.
- ii. One among the sureties should be from the native place of the petitioner and the other should be from Tiruppur.
- iii. The sureties along with such tax receipts should submit such documents to show that they are the owners of the immovable property that are produced as security along with the encumbrance certificate after the same is certified by the respective Thasildar.
- iv. The petitioner should appear and sign before the respondent police station at 10 a.m., every day until further orders.

3. The learned counsel further submitted that since the petitioner is a native of Haryana, he was unable to produce the surety from his native place and thereby the petitioner filed petition in Crl.M.P.No.961 of 2020 before the Judicial Magistrate, Palladam, seeking to relax Condition No.2 and it was dismissed by the learned Magistrate. Against which, the

petitioner filed petition in Crl.O.P.No.8801 of 2020 before this Court and this Court by an order dated 19.06.2020 was pleased to partly allowed the petition and modified condition No.2 as to produce a relative of the petitioner as surety instead of a person from the native place of the petitioner. One Amit Gupta, who is known to the petitioner has accepted to stand as surety. However, despite his best efforts to get the tax receipts and such other documents as directed by the court, he was unable to get the necessary certificates and it is impossible for the petitioner and very difficult to comply with condition No.2 and thereby the present petition has been filed seeking to modify the condition. He would further submit that at present the petitioner is confined in District Jail, Bhondsi, Gurugram, Haryana and that it is also difficult for him to fulfil condition No.4 of the bail that the petitioner to appear and sign before the respondent police station everyday at 10.00 a.m.,

4.Per contra, the learned Additional Public Prosecutor would vehemently oppose the petition stating that the petitioner is a notorious offender and against him, a case is pending before this respondent police and another case pending in Haryana. He would further submit that earlier this petitioner approached this Court seeking for modification and this Court had considered and modified the conditions. He would further submit that if further modification is granted to the petitioner; there is every

A.D.JAGADISH CHANDIRA.J.,

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possibility that the petitioner will abscond and may not be available for trial. Further, he would submit that it is a case where 5 kgs of gold and 18 lakhs were recovered from the petitioner.

4.In view of the objections made by the learned Additional Public Prosecutor, this Court is not inclined to modify the condition. Accordingly, this Criminal Original Petition is dismissed.

01.10.2020

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To

1. Judicial Magistrate, Palladam.

2. The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur, Tamil Nadu.

3. The Public Prosecutor
High Court of Madras
Chennai.

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