

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

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

Crl.O.P.No.17612 of 2020

Mubarak Ali
Son of Abdul Masjid

.. Petitioner

Vs.

The State Represented by
The Inspector of Police,
Palladam Police Station
Palladam Taluk
Thiruppur District.
(Crime No.1443 of 2020)

.. Respondent

PRAYER: Criminal Original petition have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the order passed in E.Crl.M.P No.8 of 2020 by the learned Judicial Magistrate, Palladam dated 10.09.2020 as normal surety.

For Petitioner : Mr.M.Saravanakumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for modification of the condition imposed by the Court below.

2. The learned counsel for the petitioner would submit that the petitioner was arrested in Crime No.1443 of 2020 for the offence punishable under Section 392 IPC and he is in custody for the past 113 days at Sub Jail, Avinashi. He would further submit that since the respondent did not file the final report after the lapse of statutory period, the petitioner had applied for bail and the petitioner was granted bail by the Court below in E.CrI.M.P No.8 of 2020 on 10.09.2020. The Court below while granting statutory bail to the petitioner has imposed the condition that the petitioner shall produce two sureties each to the like sum of Rs.50,000/- and that the sureties should be from the same District and also produce solvency certificates, Encumbrance Certificates and House tax receipts and copies of deeds as mentioned in conditions 1 to 3 of bail order dated 10.09.2020. He would further submit that the petitioner is a poor person who does not own any property and neither his friends nor his relatives also own any property. He would further submit that the petitioner's wife and mother are ready to

stand as sureties and thereby, he seeks for modification of the condition. He would further submit that despite the order has been granted on 10.09.2020, the petitioner is still in custody.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has got four previous cases.

4. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to modify the condition imposed by the Court below.

5. In the result, the condition imposed by the Court below dated 10.09.2020 in E.Crl.M.P No.8 of 2020, is modified to the effect that the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each and the sureties shall be respectively the mother and wife of the petitioner. The other conditions imposed by the Court below that the sureties shall be from the same District and also produce Solvency certificates, Encumbrance Certificates and House Tax receipts and copies of deeds shall stand set aside.

A.D.JAGADISH CHANDIRA,J

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6. This Criminal Original Petition is disposed of, with the above modification.

20.11.2020

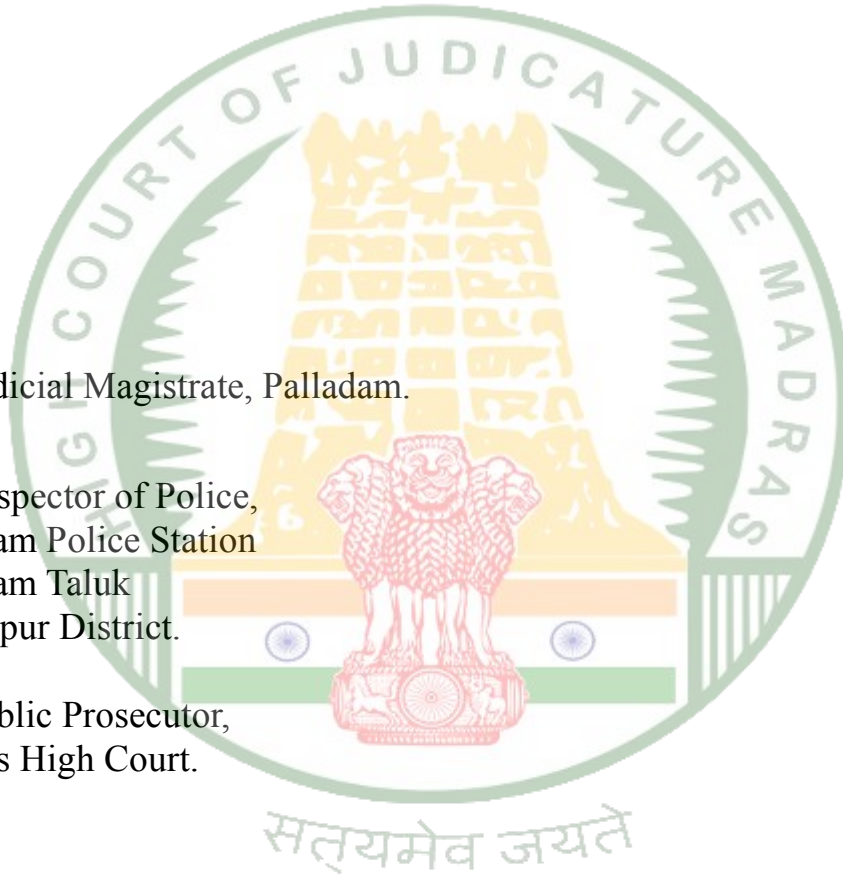
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To

1.The Judicial Magistrate, Palladam.

2. The Inspector of Police,
Palladam Police Station
Palladam Taluk
Thiruppur District.

3.The Public Prosecutor,
Madras High Court.



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