



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.3985 of 2020

Bansingh Tagore,
S/o Ragunath, Koranda Village,
Sagar District,
Madhya Pradesh.

... Petitioner/Accused

Vs

The Inspector of Police,
CBCID Police Station, Tiruchirappalli,
Cr.No.01 of 2018.

... Respondent/Complainant

For Petitioner : M/s.K.A.S.Prabhu,
Advocate.

For Respondent : R.Anandhraj,
Additional Public Prosecutor

Petition for modification under Section 439(1) (b) r/w.482 of
Cr.P.C.

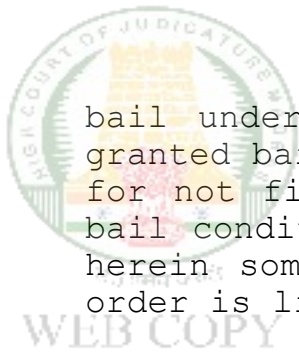
PRAYER :-

To modify the conditions imposed on petitioner by the learned
Judicial Magistrate No.VI, Tiruchirappalli, in CrI.M.P.No.532 of
2020, dated 01.02.2020 with regard to the conditions that 1) The
Petitioner shall execute a bond for Rs.1,00,000/- with two sureties,
out of them one must be a Government official surety and (2) the two
sureties should be well known persons and they will make necessary
action to produce the petitioner before this Court in future(6) the
petitioner should surrender his passport with this Court.

ORDER : The Court made the following order :-

Heard the learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the State.

2. The petitioner is facing trial for offence under Sections 25
(1) (A) and 25(1) (B) (a) of Arms Act 1959 and 399,402 of IPC. He was
<https://hcservices.tamilnadu.gov.in/hcservices/> 39.2019 and he is in prison till date. When he moved



bail under Section 167(ii) of Cr.P.C the learned Magistrate has granted bail, considering the failure of the part of the prosecution for not filing final report within time stipulated. While granting bail conditions has been imposed, which according to the petitioner herein some are impossible to provide and as a consequence bail order is literally become refusal of bail.

3.The condition imposed by the learned Magistrate while granting bail appears to be reasonable considering the respondent place of residence and the nature of offence.

4. The learned counsel for the petitioner would submit condition No.(1) that the petitioner shall execute a bond for Rs.1,00,000/- with two sureties out of them, one must be Government official surety, which the petitioner is not able to provide and condition no.(6) the petitioner has to surrender his passport before this Court. According to the learned counsel for the petitioner the petitioner is not at all having passport.

5. In view of the submission made by the learned counsel for the petitioner, if the petitioner is not having passport he shall given an undertaking affidavit disclosing that he is not having passport and if the petitioner's statement made in the affidavit is found to be false in future, he will be prosecuted for filing false affidavit . As far as the condition one of the surety to be Government servant, if the petitioner is not able to produce Government Servant he shall furnish blood relatives as sureties.

6. Except these two modifications no other modification is required in respect of conditions 2 and 5.

7. Accordingly this Criminal Original Petition is partly allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

AAV

TO

1. The Judicial Magistrate No.VI, Trichy.

2. Do-Through The Chief Judicial Magistrate,
Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The Inspector of Police,
CBCID Police Station, Tiruchirappalli,

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.A.S.PRABHU, Advocate (SR-9860[F] dated 03/03/2020)

ORDER IN
CRL OP(MD) No.3985 of 2020
Date : 03/03/2020

JMN(09.03.2020) 3P : 6C