



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

Dated : 27.08.2020

PRESENT

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) No.8966 of 2020

M.Kolanji

: Petitioner/Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sethupavachathiram Police Station,
Thanjavur District.
Crime No.53 of 2020.

: Respondent/Complainant

PRAYER :- Petition is filed under Section 439(I)(B) r/w Section 482 of the Code of Criminal Procedure praying to modify the order in so far as the condition stipulated in Cr.M.P.No.1751 of 2020, on the file of the learned Judicial Magistrate, Pattukkottai, Thanjavur District, dated 22.07.2020 so far as the imposition of condition to the petitioner/accused produced a blood relative surety along with Rs.5,000/- bond before the concerned Judicial Magistrate.

For Petitioners : Mr.P.Banu Prasath

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

ORDER

This Criminal Original petition is filed to modify the condition imposed by the learned Judicial Magistrate, Pattukkottai, Thanjavur District, vide order dated 22.07.2020 made in Cr.M.P.No.1751 of 2020.

2. The petitioner is an accused in Crime No.53 of 2020 for the alleged offences punishable under Sections 457 and 380 of Indian Penal Code and he was arrested and remanded to judicial custody on 12.06.2020 and hence, seeking bail, he filed an application in Cr.M.P.No.1751 of 2020 before the learned Judicial Magistrate, Pattukkottai, Thanjavur District. The Court below has granted bail to the petitioner subject to the condition that the petitioner shall execute a own bond for a sum of Rs.5,000/- and also another surety (blood surety) for a sum of Rs.5000/- and also another surety for a sum of Rs.5000/-. To modify the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that due to pandemic situation the petitioner is unable to produce sureties and no relative has come forward to stand as surety for the petitioner. Hence, he seeks for modification of the said condition alone.

4. Heard the learned Government Advocate (Criminal side)

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appearing for the respondent police also.

5. Considering the facts and circumstances of the case and also taking into consideration the fact that the petitioner is unable to produce one blood related surety, this Court is inclined to modify the condition. Accordingly, the condition of producing blood surety is modified to the effect that the petitioner shall execute a bond for a sum of Rs.5000/- with two sureties each for a likesum to the satisfaction of the said Magistrate. All other conditions imposed by the Court below stand remain unaltered.

6. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (AD II)

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate, Pattukkottai,
Thanjavur District.

2.The Inspector of Police,
Sethupavachathiram Police Station,
Thanjavur District.

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

+1 CC to M/s.P. BANUPRASATH, Advocate (SR-15174[F] dated 28/08/2020)

CRL.O.P. (MD) No.8966 of 2020

Dated : 27.08.2020

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