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

Date : 05/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10755 of 2020

1. Nathivathana,
D/o.Jeyakumar,
Thoppupatti,
Kovilur, Vembur,
Dindigul District.

2. Kalidass,
S/o.Selvam,
5/106/4, Kattampudur,
Chinnatharapuram,
Aravakurichi Taluk,
Karur District.

... Petitioners/Accused No.10 & 5

Vs

The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.
(Cr No.09 of 2020).

... Respondent/Complainant

For Petitioner : M/s.J.Imran Khan,
Advocate.

For Respondent : Mr.R.Erottu Chamy,
Government Advocate (Crl.Side)

PETITION FOR Modification Under Sec.439 (1) (B) of of Cr.P.C
(Lower Court Bail Modification)

PRAYER :-

To modify the conditional order passed in Cr.M.P.No.291 of 2020
dated 08.09.2020 on the file of Fast Track Mahila Court, Dindigul
and thus render justice.



ORDER : The Court made the following order :-

The present petition has been filed to modify the conditions imposed by the Fast Track Mahila Court, Dindigul, vide order dated 08.09.2020 made in Cr.M.P.No.291 of 2020.

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2.The petitioners are Accused No.10 & 5 in Crime No.9 of 2020 for the alleged offences punishable under Sections 363, 366 (A) IPC and Section 17, 5(1)(n) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 9 & 11 of Prohibition of Child Marriage Act, 2006, and hence, seeking anticipatory bail, they filed an application in Cr.M.P.No.291 of 2020 before the Fast Track Mahila Court, Dindigul. The Court below has granted anticipatory bail to the petitioners with conditions to deposit cash surety amount of Rs.20,000/- instead of giving two physical sureties before the Fast Track Mahila Court, Dindigul. Hence, the present petition has been filed seeking modification.

3.The learned counsel appearing for the petitioners submitted that the petitioners are agricultural coolies and since covid-19 crisis, they are not in a position to deposit the aforesaid cash surety, as directed by the Court below and hence, he seeks for modification of the said condition.

4.Heard the learned Government Advocate (Criminal side) appearing for the respondent police also.

5.Considering the facts and circumstances of the case and also considering the gravity of offence, the condition imposed by the Fast Track Mahila Court, Dindigul, directing the petitioners to deposit Cash Surety amount of Rs.20,000/- before the same Court instead of giving two physical sureties to them is modified to the effect that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned.

6.All other conditions in the said order shall remain unaltered.

7.This Criminal Original Petition is ordered accordingly.

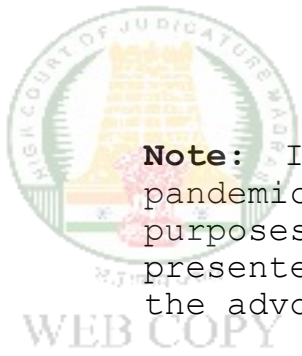
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 Judge,
Fast Track Mahila Court,
Dindigul.
2. The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.J.Imran Khan, Advocate, SR-19228.

ORDER
IN
CRL OP(MD) No.10755 of 2020
Date : 05/10/2020

SDS (09.10.2020) 3P-5C