

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18..03..2021

CORAM :-

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.NO.5117 OF 2021

Ravichandran

... Petitioner

-Versus-

State Rep. by
The Inspector of Police,
Sankari Police Station,
Salem District.
[Crime No.26 of 2021]

.... Respondent

PRAYER:

Criminal Original Petition is filed under Section 439(1)(b) of Criminal Procedure Code praying to modify the condition imposed by the learned Principal Sessions Judge, Salem, by order dated 04.03.2021 made in Crl.M.P.No.696 of 2021 directing the petitioner to be released on bail on his executing a bond for a sum of Rs.10,000/- with two sureties, out of whom, one must be a blood related to the petitioners, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Sankari, Salem District.

For Petitioners : Mr.M.Vinoth

For Respondent : Mr.S.Karthikeyan
Addl.Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner has come forward to modify the condition in respect of furnishing a blood surety imposed by the learned Principal Sessions Judge, Salem, while granting bail to the petitioner.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioner and his father have been implicated for offence under Sections 420 and 379 of IPC. The learned Principal Sessions Judge, Salem, while granting bail directed the petitioner to be released on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a like sum with a further condition that one of the surety must be a blood related to the petitioner.

4. The learned counsel for the petitioner would submit the mother of the petitioner is no more and the father of the petitioner has also been implicated in the case and there is no other blood relation to the petitioner to furnish surety for the appearance of the petitioner. Therefore, the learned counsel for the petitioner submitted that condition to produce a blood related surety is onerous one and prayed to modify the same suitably.

5. The learned Additional Public Prosecutor has no serious objection in modifying the condition in respect of furnishing blood related surety.

6. The petitioner has been in incarceration for more than 55 days. The mother of the petitioner is no more and the father of the petitioner has also been implicated in the case as an accused. Considering the submission made by the learned counsel for the petitioner that does not have any blood relative and the other circumstances of the case, this court is inclined to modify the condition imposed by the learned Principal Sessions Judge, Salem in respect of furnishing a blood related surety. Accordingly, the petitioner is directed to be released on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Sankari and the rest of the conditions imposed by the learned Judge shall stand unaltered.

In the result, this Criminal Original Petition is allowed with the above directions.

FOR BEING MENTIONED

This Crl.OP. Coming on for hearing on Tuesday, the 30.03.2021 under the caption "for Being Mentioned" through video conference in pursuance to the order of this Court dated 18.03.2021 and made herein in the presence of Mr.M.Vinoth, Counsel for the petitioner and Mr.S.Karthikeyan, Additional Public Prosecutor, the Court made the following order:-

This Criminal Original Petition was disposed of by this court by order dated 18.03.2021 modifying the condition imposed by the learned Principal Sessions Judge, Salem.

2. Today, it has been listed under the caption "For Being Mentioned" at the instance of the learned counsel for the petitioners for extension of time.

3. Heard both sides.

4. According to the learned counsel for the petitioners, time granted by the learned Sessions Judge, Salem for furnishing surety bonds has already expired and therefore, the time has to be extended.

5. The learned Additional Public Prosecutor has serious objection in granting time.

6. Having regard to the above, two weeks time is granted to the petitioner from the date on which the order copy is made ready to enable him to furnish sureties as directed by the learned Principal Sessions Judge, Salem. This order shall be treated as part of the order dated 18.03.2021.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Principal Sessions Judge, Salem, Salem District.

2.The Judicial Magistrate-I, Sankari, Salem District.

3.The Inspector of Police,
Sankari Police Station, Salem District.

4.The Public Prosecutor, High Court of Madras, Chennai.

+1cc to Mr.M.Vinoth, Advocate, S.R.No.17522

Cr1.O.P.No.5117 of 2021

AD(CO)
CS/01/04/2021