

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :29.04.2021

CORAM :

THE HON'BLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.7572 of 2021

Krishnan @ Kullakrishnan
S/o.Kannappan

... Petitioner

Vs.

The State Rep by its
Sub Inspector of Police,
Attayampatty Police Station,
Salem District.
(Crime No.42 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1) of Criminal Procedure Code praying to modify the bail condition of executing two sureties, out of whom one must be blood related to the petitioner imposed in Crl.M.P.No.873 of 2021 dated 18.03.2021 on the file of the Principal Sessions Judge, Salem.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.A.Hari

Government Advocate

ORDER

(The case has been heard through video conference)

This Criminal Original petition has been filed seeking for modification of the bail condition imposed on the petitioner by order dated

18.03.2021 in Crl.M.P.No.873 of 2021 by the learned Principal Sessions Judge, Salem.

2. The learned Counsel for the petitioner submitted that the petitioner was arrested and remanded to judicial custody for offence under sections 392 and 397 of IPC in Crime No.42 of 2021. Subsequently, he was granted bail by the learned Principal Sessions Judge, Salem, by order dated 18.03.2021 in Crl.M.P.No.873 of 2021 with certain conditions and one of the bail condition imposed was that;

“that the petitioner is ordered to be enlarged on bail on executing his bond for Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, out of whom one must be blood related to the petitioner, along with solvency certificate, for like sum each to the satisfaction of the learned Judicial Magistrate No,IV, Salem”.

3. The learned counsel for the petitioner would submit that the petitioner's wife and another relative had gave surety for the petitioner before the learned Judicial Magistrate-V, Salem. Whereas, the learned Magistrate has refused to accept the surety of the petitioner's wife stating that the petitioner's wife is not a blood relative. He would submit that the

parents of the petitioner are no more and that he has no other blood relatives. He would further submit that despite the petitioner being granted bail by order dated 18.03.2021, he has been in custody for more than one month and thereby, he would seek for modification of the said condition imposed by the Court below.

4. Heard the learned Government Advocate appearing for the respondent police.

5. In view of the submissions made by the learned counsel for the petitioner, this Court is inclined to modify the said condition imposed by the learned Principal Sessions Judge, Salem in Crl.M.P.No.873 of 2021 by order dated 18.03.2021.

6. Accordingly, the condition is modified to the effect that “*the petitioner shall execute two sureties, out of which one surety shall be the wife of the petitioner.*” The other conditions shall remain unaltered.

7. Accordingly, this Criminal Original Petition is ordered.

WEB COPY

29.04.2021

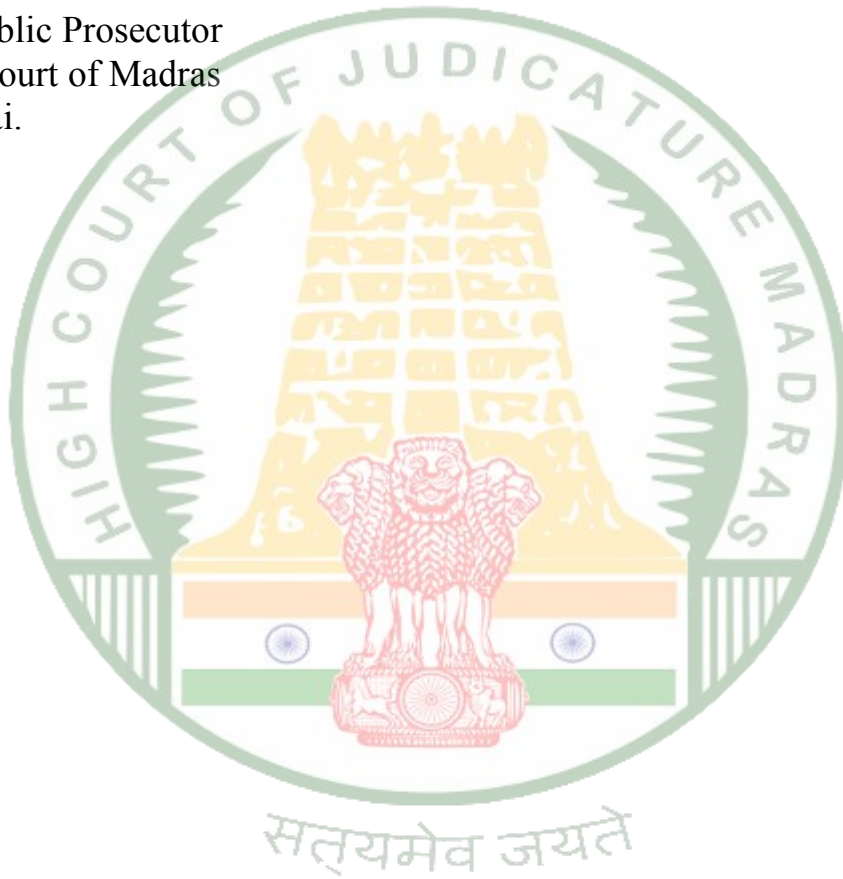
tta

To

1.The Principal Sessions Judge, Salem.

2.Sub Inspector of Police,
Attayampatty Police Station,
Salem District.

3.The Public Prosecutor
High Court of Madras
Chennai.

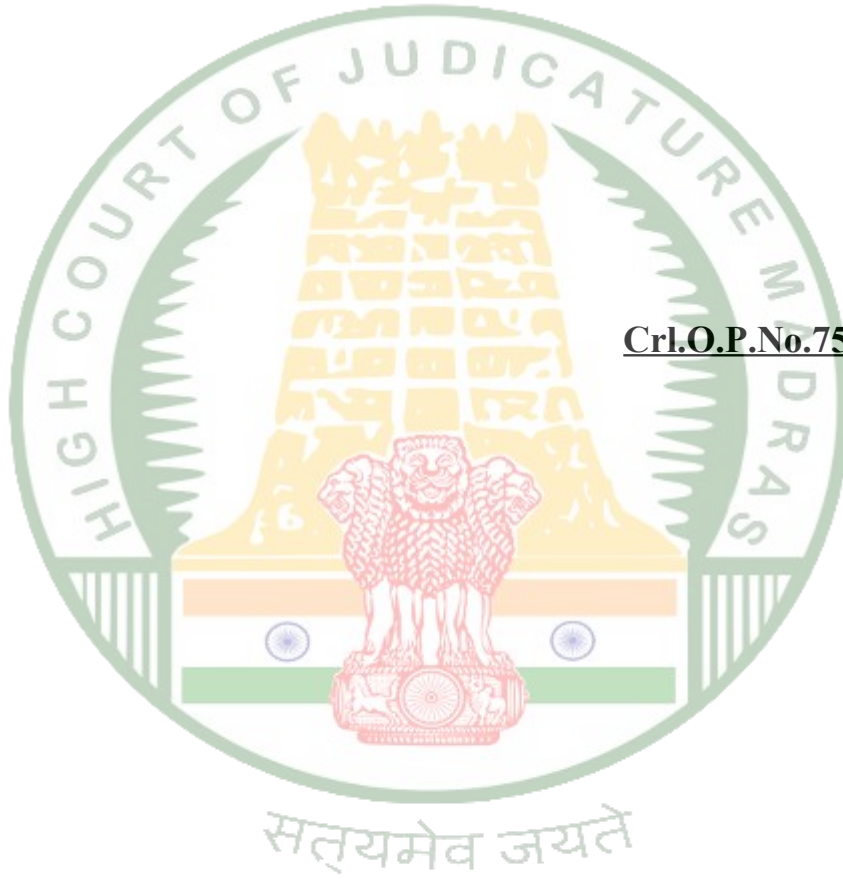


WEB COPY

Crl.M.P.No.7572 of 2021

M.DHANDAPANI,J.,

tta



Crl.O.P.No.7572 of 2021

WEB COPY

29.04.2021