

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P No.8967 of 2021

1.Steven Frank,
S/o.Gabriel Okolo.

2.Collin Andy,
S/o.Ugchukwu.

...Petitioners/Accused

vs.

State by
Rep. by The Sub-Inspector of Police,
Erode North Police Station,
Erode District.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order made in Crl.M.P.No.14278 of 2019 in Crime No.420 of 2019 dated 13.12.2019 on the file of the Judicial Magistrate No.-1, Erode and direct order release of the petitioners to deposit the bail bond personally in lieu of the condition imposed to an extent of furnishing surety preferably by the relatives of the petitioners.

For Petitioners: Mr.S.Senthilnathan

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor.

ORDER

This petition has been filed seeking direction to release the petitioners on personal bail bond instead of the earlier condition that they should execute a bond with two sureties, and sureties must be the relatives of the petitioners.

2. It is seen from the order dated 13.12.2019, passed in Crl.M.P.No.14278 of 2019 in Crime No.420 of 2019, the petitioners were granted default bail for the offences under Section 420 IPC, 51 r/w 63(a) of Copyright Act altered to 420 IPC, 51 r/w 63(a) of Copy Right Act and Foreigners Act, 1946. While granting bail, the learned Judicial Magistrate No.1, Erode, among other conditions, ordered that the petitioners

should execute a bond for Rs.25,000/- each with two sureties, preferably relatives of the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are from Nigeria and it is difficult for them to bring their relatives, especially during this pandemic period. Hence, he seeks to release the petitioners on personal bond.

4. However, the learned Public Prosecutor opposes for release of the petitioners on personal bond on the ground that the petitioners are from Nigeria and if they are released on bail on personal bond, there is no guarantee that they would appear for facing the trial.

5. Considering the rival submissions, this Court is of the considered view that it is not possible for the petitioners to get their relatives to furnish sureties. Therefore, this Court modifies only that part of the condition in the order dated 23.09.2019, that instead of relatives being sureties, the petitioners are ordered to be released on bail on executing a separate bond for a sum of Rs.25,000/- each with two known respectable persons. All other conditions stipulated in the order dated 23.09.2019 shall remain intact.

6. With the above modification, this Criminal Original Petition is disposed of.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Sub-Inspector of Police,
Erode North Police Station,
Erode District.
2. The Public Prosecutor,
High Court of Madras,
Madras.

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NMI (CO)
SP(06/07/2021)