

CrI.O.P.No.11914 of 2021

M.DHANDAPANI,J.

The matter is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2.It is brought to the notice of this Court that some typographical error has been crept in para No.5 of the order dated 13.07.2021 and the same shall be replaced as follows:

5. In the above circumstances, this petition is allowed by modifying the condition relating to execution of bond by the petitioner and the sureties as below:-

' 'The Petitioner shall be released on bail on executing a personal bond for a sum of Rs.10,000/- with two sureties, each for a like sum.

3. All other conditions imposed in the order dated 13.07.2021 shall remain intact except for the above said correction.

4. Registry is directed to carry out the necessary correction in the order dated 13.07.2021 and issue a fresh copy of the order to the learned counsel for the parties.

16.08.2021

msrm

Note- Issue order copy on 16.08.2021

M.DHANDAPANI,J.

msrm



CrI.O.P.No.11914 of 2021

16.08.2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2021

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.No.11914 of 2021

R.Mageshkumar @ Magesh
S/o.Rajan

... Petitioner

Vs.

State, represented by
The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District.
(Crime No.2 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439(1)(b) to modify the condition imposed that “ 1) The accused should produce the nativity certificate and permanent residential proof issued by the Thahsildhar with two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, and one of them should be a blood relative and the sureties should produce a solvency certificate attested by Thashildhar for the surety amount without fail by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act,Coimbatore by an order dated 12.05.2021 made in CMP.No.295 of 2021.

For Petitioner : Mr.C.Ramkumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The present petition has been filed to modify the condition imposed that the accused should produce the nativity certificate and permanent residential proof issued by the Tahsildar with two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, and one of them should be a blood relative and the sureties should produce a solvency certificate attested by Tashildhar for the surety amount without fail by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore by an order dated 12.05.2021 made in CMP.No.295 of 2021.

2. The Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, vide order dated 12.05.2021 in CMP.No.295 of 2021 in Crime No.2 of 2021, while granted bail to the petitioner/accused, imposed the aforesaid condition.

3. The learned counsel for the petitioner has submitted that the condition imposed for production of nativity certificate and permanent residential proof issued by Tashildhar with two sureties for a sum of Rs.10,000/- each. It is submitted that the petitioner is a daily wage labour and he is having difficulty to obtain nativity certificate and solvency certificate, hence, he may be permitted to execute own bond. It is further submitted that the condition relating to blood related surety be modified to common surety, as during the present pandemic situation, the petitioner is unable to produce any blood related surety.

4. Learned Government Advocate (CrI.Side) submits that he has no objection for granting the said modification.

5. In the above circumstances, this petition is allowed by modifying the condition relating to execution of bond by the petitioner and the sureties as below :-

“The petitioner shall be released on bail on
executing a personal bond for a sum of
Rs.10,000/- with two sureties, each for a like sum

and the said sureties shall produce solvency certificate attested by the Tahsildar.”

6. The order passed by Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore vide order dated 12.05.2021 in CMP.No.295 of 2021 in Crime No.2 of 2021 is modified only to the extent aforesaid. Apart from the aforesaid modification, the order passed by the court below in all other aspects stand unaltered.

13.07.2021

Vv
To

1. The Sessions Judge,
Special Court for Exclusive Trial of cases
under POCSO Act, Coimbatore
2. The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

WEB COPY

M.DHANDAPANI,J.

Vv



Crl.O.P.No.11914 of 2021

WEB COPY

13.07.2021