

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.18439 of 2020

Ajay Chowdri

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
D-4, Zam Bazaar Police Station,
Chennai.
(Crime No.84 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1)(b) of Criminal Procedure Code to modify the bail condition imposed in the order dated 07.01.2020 in M.P.No.543 of 2020 on the file of the II Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr. V. Jeevagiridharan

For Respondent : Mr.S. Karthikeyan
APP

ORDER

(The case has been heard through video conference)

This Criminal Original Petition has been filed seeking for modification of the condition imposed by the Court below.

2. The petitioner was arrested and remanded to judicial custody and therefore, he filed a petition for bail before the Court below. The Court below while granting bail to the petitioner has imposed the following condition:

"the petitioner shall produce two sureties each for a sum of Rs.10,000/-, among them, one surety must be a family member of the petitioner and the sureties shall produce residence certificate and solvency certificate."

3. The learned counsel for the petitioner submitted that the petitioner is a poor person and his family member did not have any land or property and hence, he is not in a position to give the solvency certificate from the family member . However, he is willing to give the

solvency certificate from 'any one of the relatives' instead of 'Family members'. He would further submit that even though bail was granted on 07.01.2020, the petitioner is not able to come out and he is in jail for more than one year. He also submit that co-accused were came out on bail.

4. The learned Additional Public Prosecutor submitted that the Court below had imposed the condition after taking into consideration the facts and circumstances of the case and there is no ground to interfere with the same.

5. Taking into consideration, the facts and circumstances of the case and the fact that the petitioner is not in a position to furnish the solvency certificate from the family members, this Court is inclined to modify the condition imposed by the Court below.

6. In the result, the condition imposed by the Court below directing the petitioner "to produce two sureties each for a sum of Rs.10,000/- among them, one surety must be a family member of the

petitioner and the sureties shall produced residence certificate and solvency certificate" is modified to the effect that " **produce two sureties, one of the surety shall be a relative of the petitioner, each for a sum of Rs.10,000/-, and the sureties shall produced the residence certificate and solvency certificate**". The other condition imposed by the Court below shall remains unaltered.

7. This Criminal Original Petition is disposed of, with the above modification.

06.01.2021

mrp

To

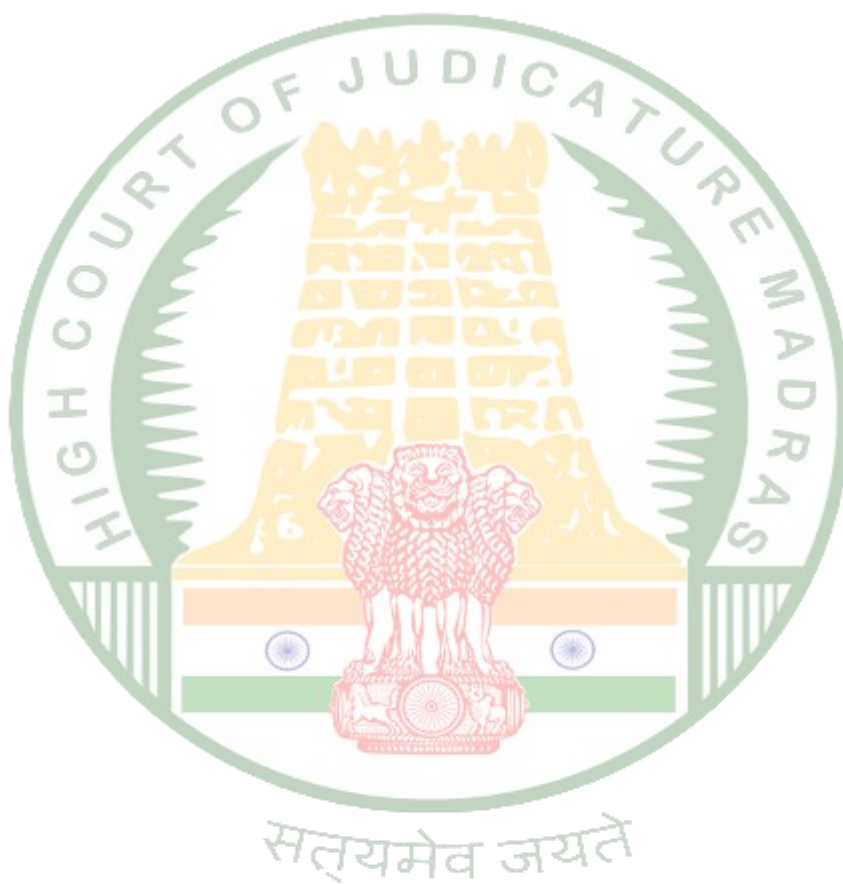
1.The II Metropolitan Magistrate,
Chennai.

2.The Inspector of Police,
D-4 Zam Bazaar Police Station,
Chennai.

3.The Superintendent,
Central Prison II, Puzhal,

Chennai.

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

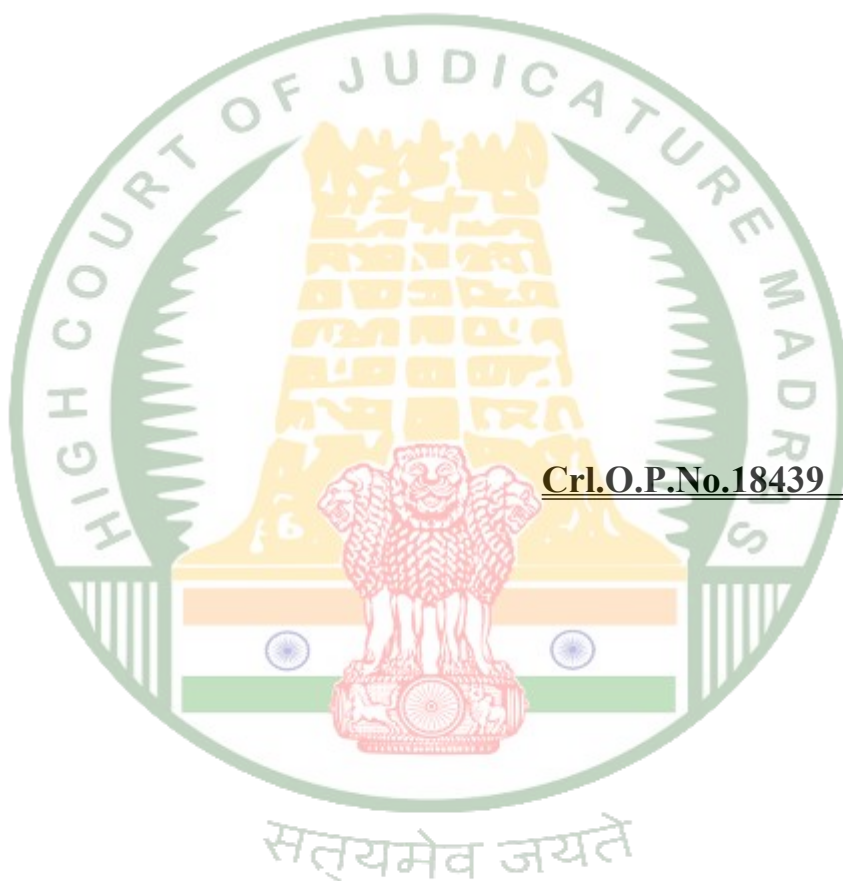


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V.BHARATHIDASAN, J.

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