



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.465 of 2022

Chellakumar ... Petitioner/Accused No.2
Vs.

State Rep.By
Sub Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
(Crime No.499 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 439(2) r/w Section 482 of Cr.P.C. to modify the condition imposed in the order dated 21.12.2021 in Crl.M.P.No.2123 of 2021 on the file of District Munsif Cum Judicial Magistrate, Denkanikottai, Krishnagiri District in so far as the condition that " one surety must be a blood relative".

For Petitioner : Mr.S.Balamurugan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The criminal original petition has been filed to modify the condition imposed in the order dated 21.12.2021 in Crl.M.P.No.2123 of 2021 on the file of District Munsif Cum Judicial Magistrate, Denkanikottai, Krishnagiri District in so far as the condition that " one surety must be a blood relative" is concerned.

2.The grievance of the petitioner is that the petitioner was arrested in Crime No.499 of 2021 on 16.11.2021 for offence under Section 379 IPC. Thereafter, the trial Court by an order dated 21.12.2021 in Crl.M.P.No.2123 of 2021 granted bail on condition that the petitioner to execute a bond for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of this Court and one surety must be a blood relative and on further condition that the petitioner shall



appear and sign before the respondent police daily at 10.30 a.m. for a period of 30 days.

3.The petitioner's parents are no more. The petitioner is an orphan and he has got no blood relation. He has got a brother with whom, he is at loggerheads and he does not have any relationship. In view of the same, the petitioner is unable to produce his blood relation as surety. Despite the petitioner being granted bail on 21.12.2021, for the past 20 days, he is still in prison. Hence, seeks modification of the condition that one of the sureties must be a blood relative.

4.The learned Government Advocate(Crl.side) appearing for the respondent, on verification, submits that no other case is pending against the petitioner. This is the first case the petitioner is involved.

5.In view of the submission of the petitioner and taking into consideration of the petitioner's background, this Court is inclined to modify the condition imposed by the Trial Court while granting bail that one of the sureties must be a blood relative of the petitioner and instead, the petitioner is directed to produce two regular sureties.

6.At this juncture, the learned counsel for the petitioner submits that from 03.11.2022, there has been closure and functioning of the Courts are restricted and are only in virtual mode. In view of the same, the petitioner cannot execute the sureties immediately and consequently, his detention in the prison would be prolonged.

7.Considering the above submission, this Court directs the petitioner to execute a bond for a sum of Rs.10,000/- before the concerned Superintendent of Prison/Jailor, Central Jail, Salem, in which, he is confined and thereafter, to appear before the respondent police daily at 10.30 a.m. The petitioner to execute sureties before the lower Court within 15 days from the normal functioning of the Court.

8.With the above direction, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms



To

1. The Sub Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
2. District Munsif Cum Judicial Magistrate,
Denkanikottai, Krishnagiri District.
3. The Chief Judicial Magistrate,
Dharmapuri.
4. The Superintendent of Prison/Jailor,
Central Jail, Salem
5. The Public Prosecutor,
High Court, Madras.

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VSN-II (CO)
SU(11/01/2022)