



Crl.O.P.No.1180 of 2022

M.NIRMAL KUMAR.,J

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This matter is posted today before this Court under the caption
“For Being Mentioned.”

2. Heard the learned counsel on either side.

3. This Court dated 25.01.2022 had modified the bail condition directing the petitioners to produce the solvency certificate issued by the Revenue Officials not below the rank of Thasildar by directing the petitioners/accused to be released on bail on condition to execute a bond for a sum of Rs.10,000/- to the satisfaction of Superintendent of Police, Central Prison, Coimbatore, where they are confined in the prison, since then, there was lock down of courts and no physical hearing of courts held. The accused was directed to execute sureties before the Superintendent of Central Prison, Coimbatore, inadvertently likesum sureties also included. Hence, sureties could not be executed in the result, the petitioners/accused are still in confinement. The obtaining of bail order had not served any purpose.



Crl.O.P.No.1180 of 2022

4. In view of the same, the petitioners are still in confinement.

Now the Courts physical functioning restored. In view of the same, condition stipulated in para No.6 of the order dated 25.01.2022 is modified as follows:

“6.Accordingly, the petitioners are ordered to be released on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Kangayam, within a period of 15 days from today. On acceptance of sureties, the petitioners to be released on bail.”

5. The Registry is directed to carry out the above said correction in the order in Para No.6 and issue a fresh copy of the order.

22.02.2022

dna

Note: Issue order copy on 23.02.2022.

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Crl.O.P.No.1180 of 2022

M.NIRMAL KUMAR.,J.

dna

Crl.O.P.No.1180 of 2022

22.02.2022



Crl.O.P.No.1180 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.1180 of 2022

1.Ajaykumar

2.Sunilkumar

... Petitioners

Versus

State by:

The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
(Crime No.1066 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to modify the condition imposed on the petitioner as that they the sureties shall produce solvency certificate which is issued by now below the rank of Thasildar in E.Cr.M.P.No.72 of 2021 Crl.M.P.No.5068 of 2021 dated 06.12.2021 on the file of the Judicial Magistrate Court, Kangayam.

For Petitioners : Mr.A.Manimaran

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

* * * * *

ORDER

This Criminal Original Petition has been filed to modify the condition



imposed on the petitioner as that they shall produce the sureties solvency certificate which is issued by now below the rank of Thasildar in E.Cr.M.P.No.72 of 2021 Crl.M.P.No.5068 of 2021 dated 06.12.2021 on the file of the Judicial Magistrate Court, Kangayam.

2.The petitioners, who are accused in Crime No.1066 of 2021 had filed a bail application in Crl.M.P.No.5068 of 2021 and E.Cr.M.P.No.72 of 2021. It was a statutory bail. The trial Court by order dated 06.12.2021 granted bail to the petitioners under Sections 167(2) Cr.P.C. with the following conditions.

“1.The Petitioners/Accused No.1 and 2 are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- along with each two sureties in which one surety must be blood surety and the sureties shall produce solvency certificate which is issued by not below the rank of Thasildar and

2.The Petitioners/Accused No.1 and 2 shall appear before the respondent police and sign daily once at 10.00 a.m. until further orders, and

3.The Petitioners/Accused No.1 and 2 shall attend in accordance with the conditions of the bond executed, and

4.The Petitioners/Accused shall not commit an offence similar to the offence of which he is accused,



5.The Petitioner/Accused shall not directly or indirectly make any inducement, threat to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with evidence.”

3.The petitioners are ready to produce one blood sureties each and they are unable to produce two sureties for each of the petitioners.

4.The learned counsel appearing for the petitioners on instruction submits that the blood brothers of both the petitioners are available and they are employed as Painters in Coimbatore. Though the petitioners had granted bail on 06.12.2021, for morethan a month they are unable to execute sureties and still in prison. Despite the order of the Court, they are unable to execute sureties. The condition seems to be onerous, though the petitioners hails from Bihar and they are worked in Coimbatore and they shall appear before the respondent police.

5.Considering the submissions and on perusal of materials, this Court modifies the bail order dated 06.12.2021 passed by the Judicial Magistrate, Kangayam in E.Crmp.No.72/2021 and Crl.M.P.No.5068/2021.



WEB COPY

Crl.O.P.No.1180 of 2022



6. Accordingly, the petitioners are ordered to be released on bail on condition that the petitioners shall execute a bond for sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties for a like sum each to the satisfaction of the Superintendent of Police, Central Prison, Coimbatore. Thereafter to appear before the respondent police daily at 10.30 a.m. Further the petitioners are directed to appear before the learned Judicial Magistrate, Kangayam, and execute sureties, within a period of 15 days from the date of the commencement of normal functioning of the Court, failing which, the petition for bail shall stand dismissed.

7. With the above direction, this Criminal Original Petition stands disposed of.

25.01.2022

Index: Yes/No
Internet: Yes/No
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NOTE: ISSUE ORDER COPY ON 27.01.2022



Crl.O.P.No.1180 of 2022

To

1.The learned Judicial Magistrate,
Kangayam.

2.The Superintendent of Police,
Central Prison,
Coimbatore.

3.The Inspector of Police,
Kangayam Police Station,
Tiruppur District.

4.The Public Prosecutor,
High Court, Madras.



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25.01.2022