



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.8585 OF 2022

Perumal

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
Crime No:670 of 2020.

... Respondent

PRAYER:

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order in CRP.No.22 of 2021 dated 15.12.2021 passed by the Principal Sessions Judge, Salem and modify the condition No.1 in CMP No.838 of 2020 dated 01.12.2020 by the Judicial Magistrate No.2, Sankagiri, as two sureties should execute a bond of Rs.1000/- with Aadhar Card instead of two sureties, out of two Solvent sureties one should be blood related surety with Tahsildar certificate.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to set aside the order in CRP No.22 of 2021 dated 15.12.2021 passed by the Principal Sessions Judge, Salem and modify the condition No.1 in CMP No.838 of 2020 dated 01.12.2020 by the Judicial Magistrate No.2, Sankagiri, as two sureties should execute a bond of Rs.1000/- with Aadhar Card instead of two sureties, out



of two Solvent sureties one should be blood related surety with Tahsildar certificate.

2. Learned counsel appearing for the petitioner would submit that the petitioner is an accused in Crime No.670 of 2020 registered by the respondent for the offences punishable under Sections 406, 420, 498(A), 294(b), 323, 354(B) of IPC and Section 4 of TN Prohibition of Women Harassment Act, 2002. The petitioner applied for bail before the Judicial Magistrate No.2, Sankagiri in CMP No.838 of 2020 and the learned Magistrate was pleased to grant bail to the petitioner with a condition to execute a bond for a sum of Rs.10,000/- along with two sufficient Solvent sureties (Certificate to be obtained from the Tahsildar) and out of whom, one must be a blood relative of the petitioner. Since, the petitioner was unable to obtain certificate from the Tahsildar, he had preferred revision before the Principal Sessions Judge, Salem in CRP.No.22 of 202. Whereas, the learned Revisional Court had dismissed the revision and confirmed the order passed by the learned Judicial Magistrate No.2, Sankagiri.

3. He would further submit that the petitioner is rustic villager and he has no regular source of income and he is unable to produce the certificate as directed by the learned Judicial Magistrate No.2, Sankagiri. He would also submit that despite the petitioner being granted bail on 01.12.2020, the petitioner is unable to comply the condition imposed on him and he is in prison for more than one year and the respondent has also not filed the final report till date. He would further reiterate that due to the stringent condition imposed on the petitioner to get certificate from the concerned Tahsildar, he is unable to come out of bail and he would pray that the order passed by the Principal Sessions Judge, Salem may be set aside and the condition imposed by the learned Judicial Magistrate No.2, Sankagiri directing the petitioner to produce certificate obtained from the concerned Tahsildar may be modified. He would submit that the petitioner is prepared to furnish two sureties.

4. Learned Additional Public Prosecutor would submit that the petitioner was arrested on 13.10.2020 and he has granted bail on 01.12.2020.

5. Heard the learned counsel and perused the materials available on record.



6. It is seen that the case of the petitioner is that he is a rustic villager, who has no regular source of income and the learned Judicial Magistrate No.2, Sankagiri while granting bail to the petitioner, ordered the petitioner to furnish two sufficient Solvent sureties along with certificate to be obtained from the concerned Tahsildar. It is the further case of the petitioner that despite his best efforts, he is unable to obtain such certificate from the Revenue Authorities. The petitioner can not be inordinately made to suffer incarceration by his inability to produce such certificate.

7. Taking into consideration the facts and submissions made by the learned counsel for the petitioner, the condition No.1 imposed by the learned Judicial Magistrate No.2, Sankagiri in C.M.P.No.838 of 2020, dated 01.12.2020 is modified as follows:

"The petitioner shall execute a bond for a sum of Rs.10,000/- along with two sureties each for a likesum to the satisfaction of the Court concerned."

8. The learned Magistrate shall not insist for production of solvency certificate from the Tahsildar. The other conditions shall remain unaltered.

9. Accordingly, this Criminal Original Petition stands disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgi/ham

To

1. The Judicial Magistrate No.2, Sankagiri.
2. The Superintendent, Central Prison, Salem.



3. The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

4. The Public Prosecutor,
High Court of Madras.

Copy To

The Principal Sessions Judge,
Salem.

Cr1.O.P.No.8585 of 2022

RLD (CO)
PM/18/04/2022