



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12386 of 2022

Saravanabharathi

...Petitioner/7th Accused

Vs

The State Rep. by
Inspector of Police,
Malayampalayam Police Station,
Erode District.
(Crime No.437/2020)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439(1) (b) of the Criminal Procedure Code, to modify the condition "the petitioner executing a bond for sum of Rs.10,000/- with two sureties, of which one must be the blood relation and the another must be the local person" imposed in Crl.M.P.No.1392 of 2021 dated 23.08.2021 on the file of the learned Principal District and Sessions Judge, Erode.

For Petitioner : Mr.M.Guruprasad
For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to modify the condition imposed by the learned Principal District and Sessions Judge in Crl.M.P.No.1392 of 2021, dated 23.08.2021.

2. The case of the prosecution is that the petitioner herein, who was arrayed as A7, along with others, had broke open the TASMAL Shop and stolen liquor bottles and had also caused damage to the camera placed therein, due to which, the petitioner was arrested by the respondent and he was kept under custody from 11.01.2021. Thereafter, the petitioner had filed a bail application in Crl.M.P.No.1392 of 2021 before the learned Principal District and Sessions Judge, Erode and by order dated 23.08.2021, the petitioner was granted bail with certain conditions. One among the conditions was that the petitioner was directed to execute a bond for a sum of Rs.10,000/- with two sureties, of which one must be blood relation and another must be a local person, for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kodumudi. Aggrieved against the said condition, the present petition has been filed before this Court.



3. The learned counsel for the petitioner contended that the occurrence had taken place in Erode District and since the petitioner hails from Madurai District, he has no roots or relatives in Erode and he is unable to execute sureties. The learned counsel further submitted that though the petitioner was granted bail by the Trial Court on 23.08.2021, in view of the non-execution of sureties, he is still in prison.

4. The learned Government Advocate (Crl. side) appearing for the respondent submitted that, apart from this petitioner, all other accused have been granted bail.

5. Considering the facts and circumstances of this case and also considering the submission made by the learned counsel for the petitioner, this Court is inclined to modify the condition imposed by the Trial Court. Accordingly, the condition imposed by the Trial Court, insofar as it relates to execution of bond is concerned, is modified as follows:

"The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties each".

6. The Criminal Original Petition stands disposed of, accordingly.

Sd/-

Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

hvk/pbl

To

1.The Principal District and Sessions Judge,
Erode.

2.The Inspector of Police,
Malayampalayam Police Station,
Erode District.

3.The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.M.Guruprasad, Advocate Sr.NO. 31800

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A.SK(31/05/2022)