



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.14558 of 2022

Prabha @ Prabhakaran

... Petitioner/Accused No.2

Vs.

The State Rep. By
Inspector of Police
Mettur Police Station
Salem District
Crime No.225 of 2021

... Respondent/Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the order passed in C.M.P.No.2007 of 2022 dated 26.05.2022 on the file of the Vacation Sessions Court, Salem, and set aside the same subsequently modify the conditions "1. that the petitioners are ordered to be released on bail on executing their bond each for Rs.10,000/- (Rupees Ten Thousand Only) with two sureties out of whom one must be blood related to the petitioners" imposed by the learned Principal District & Sessions Court, Salem in C.M.P.No.4440 of 2021 dated 12.11.2021.

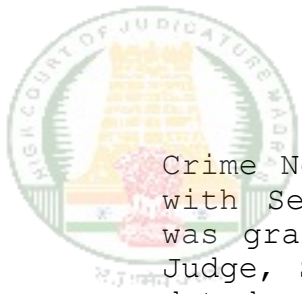
For Petitioner : M/s.C.Deepak Kumar
Mr.RajKumar for

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed in C.M.P.No.2007 of 2022 dated 26.05.2022 on the file of the Vacation Sessions Court, Salem and subsequently modify the condition "that the petitioners are ordered to be released on bail on executing their bond each for Rs.10,000/- (Rupees Ten Thousand Only) with two sureties out of whom one must be blood related to the petitioners" imposed by the Principal District & Sessions Court, Salem, in C.M.P.No.4440 of 2021 dated 12.11.2021.

2. The grievance of the petitioner is that the petitioner was arrested and remanded to judicial custody in connection with



Crime No.225 of 2021 for the offence under Section 387 IPC read with Section 25(1)(a) of Indian Arms Act and subsequently, he was granted bail by the learned Principal District and Sessions Judge, Salem, by order dated 12.11.2021 in C.M.P.No.4440 of 2021 dated 12.11.2021 with a condition to execute bond for Rs.10,000/- (Rupees Ten Thousand Only) with two sureties out of whom, one must be a blood related to the petitioner. Since the petitioner could not arrange for blood related surety, he filed a petition for modification of the said condition before the Vacation Sessions Court, Salem in C.M.P.No.2007 of 2022. But the same was dismissed by order dated 26.05.2022. Hence, the petitioner has been suffering incarceration even after obtaining bail on 12.11.2021. The learned counsel would submit that instead of blood related surety, the petitioner's wife may be permitted to stand as surety and he prays for modification of the said condition.

3. In such view of the matter, the order passed in C.M.P.No.2007 of 2022 dated 26.05.2022 on the file of the Vacation Sessions Court, Salem is set aside. The condition imposed by the Principal District & Sessions Court, Salem in C.M.P.No.4440 of 2021 dated 12.11.2021 is modified to the effect that "the petitioner is ordered to be released on bail on executing his bond for Rs.10,000/- with two sureties out of whom one must be the wife of the petitioner, for a like sum each to the satisfaction of the learned Judicial Magistrate No.I, Mettur.

4. The other conditions shall stand unaltered.

5. With the above modifications, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District & Sessions Court, Salem
2. Vacation Sessions Judge, Salem
3. The Judicial Magistrate No.I, Mettur.



4. The Chief Judicial Magistrate, Salem

5. The Inspector of Police
Mettur Police Station
Salem District

6. The Public Prosecutor
High Court, Madras.

+lcc to Mr.C.Deepak Kumar, Advocate, S.R.No.39937

Crl.O.P.No.14558 of 2022

SRI (CO)
CT/04/07/2022