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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.14077 of 2022

K.Ganesh

... Petitioner

Vs.

State through
The Inspector of Police,
R-8, Vadapalani Police Station,
Vadapalani, Chennai.
(Crime No.34 of 2010)

... Respondent

Prayer :- Criminal Original Petition filed under Section 439 (1)(b) Cr.P.C. praying to modify the condition imposed in Crl.M.P.No.5294 of 2022 dated 04.05.2022 passed by the Learned XVII Metropolitan Magistrate, Saidapet at Chennai to the limited extent of one surety to be executed by 'C' Grade Government Employee for Rs.10,000/-.

For Petitioner : Mr.S.Shrenik Raj

For Respondent : Mr.V.J.Priyadarsana
(Government Advocate)

O R D E R

This petition has been filed for modification of the conditions imposed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai to the limited extent of one surety to be executed by 'C' Grade Government Employee for Rs.10,000/-.

2. The learned counsel for the petitioner would submit that pursuant to the Non-Bailable Warrant, the respondent police arrested the petitioner on 09.02.2022 and produced before the XVII Metropolitan Magistrate, Saidapet, Chennai and remanded to the judicial custody on the same day. Further, he was granted bail in Crl.M.P.No.5294 of 2022 vide order dated 04.05.2022 by the learned XVII Metropolitan Magistrate at Saidapet, Chennai. Unfortunately, the learned trial Judge had imposed the following conditions:



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"(i) the accused is directed to execute a own bond for a sum of Rs.10,000/- with two sureties each like sum amount with them.

(ii) one must be blood relative to the accused.

(iii) and other one surety to be a 'C' Grade Government Employee."

Therefore, he sought for modification of the conditions imposed by the Court of the learned XVII Metropolitan Magistrate at Saidapet, Chennai.

3. The learned Additional Public Prosecutor would submit that the petitioner was charged for the alleged offence U/s.341, 294(b), 326, 506(ii) of IPC and he was already under judicial custody. Therefore, he sought for dismissal of this petition seeking modification.

4. Further, the petitioner submitted that his parents are illiterate and they are not able to arrange 'C' Grade Government Employee as surety and being a blood relative his mother had already executed a surety. For the aforesaid reasons the petitioner could not execute sureties and come out on bail. Therefore, the petitioner is still in custody.

5. Considering the facts and circumstances of the case, this Court is inclined to modify the condition Nos. (ii) and (iii) imposed by the Court below in CrI.M.P.No.5294 of 2022 dated 04.05.2022. The modified conditions are read as follows.

"(i) the accused is directed to execute a own bond for a sum of Rs.10,000/- with two sureties each like sum amount with them.

(ii) two sureties must be blood relatives to the accused.

6. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
R-8, Vadapalani Police Station,
Vadapalani, Chennai.



2.The XVII Metropolitan Magistrate,
Saidapet, Chennai

3.The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.S.Shrenik Raj, Advocate SR. No. 37756

CRL.O.P.No.14077 of 2022

KV (CO)
PR (21/06/2022)