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Crl op.17036/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04 .11.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.17036 of 2022

1. Jallaludeen Khan
2. Syed Hussain

... Petitioners

Vs.

The State represented by
the Inspector of Police,
Thiruvengadu Police Station,
Nagapattinam District

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order dated 23.06.2022 passed in Crl.M.P.No.1669 of 2022 on the file of the Principal Sessions Court at Nagapattinam and consequently to modify the condition imposed in Crl.M.P.No.1811 of 2022 on the file of the learned Judicial Magistrate at Sirkali.

For Petitioners : Mr. R. Murugesan

For Respondent-1 : Mr. E. Raj Thilak,

Addl. Public Prosecutor



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ORDER

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This petition is filed to set aside the order dated 23.06.2022 passed in Crl.M.P.No.1669 of 2022 on the file of the Principal Sessions Court at Nagapattinam and consequently to modify the condition imposed in Crl.M.P.No.1811/2022 on the file of the learned Judicial Magistrate, Sirkali.

2. The petitioners are the accused 1 and 2 in Crime No.22 of 2022 on the file of the respondent police for the offence under sections 406 and 420 IPC.

3. On 19.5.2022, the Judicial Magistrate, Sirkali has granted statutory bail to the petitioners in Crl.M.P.No.1811/2022 on condition that the petitioners shall execute a bond for Rs,10,000/- for themselves and furnish two blood sureties of their family members for a like sum to the satisfaction of the said Judicial Magistrate and on further condition that the petitioners shall appear and sign before the respondent police station on everyday at 10.a.m., until further orders.

4. Aggrieved over that, the petitioners filed condition modification petition in Crl.M.P.No.1669 of 2022 before the learned Principal District and Sessions Judge, Nagapattinam. The said petition was dismissed on 23.06.2022.



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Aggrieved over that, the petitioners have filed this petition to set aside the order of the learned Principal District and Sessions Judge dated 23.06.2022 made in Crl.M.P.No.1669 of 2022 and consequently to modify the condition imposed by the learned Judicial Magistrate, Sirkali in the order dated 19.5.2022 in Crl.M.P.No.1811 of 2022.

5.The learned counsel for the petitioners submitted that the petitioners cannot appear in two different districts in one and the same time and they are not able to furnish blood sureties and hence the petitioners cannot enjoy the benefit of the statutory bail.

6. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners belong to Hyderabad, Telangana State and the case against them is that they had cheated the complainant by playing fraud to the tune of Rs.1,59,09,055/- and if the condition to furnish sureties is relaxed, the petitioners would abscond and that would impeditment the trial proceedings.

7. I feel it is appropriate to retain the condition that the petitioners should



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appear before the local Police Station and affix their signature and to modify the condition with regard to the sureties. Since the petitioners are from other State, it may not be possible for them to furnish blood sureties. However, if the petitioners can produce any other reliable sureties to the satisfaction of the Magistrate, the same can be considered by the concerned Judicial Magistrate. Accordingly, the condition imposed by the learned Judicial Magistrate, Sirkali in Crl.M.P.No.1811 of 2022, dated 19.5.2022 is modified to the effect that the petitioners shall furnish any reliable sureties instead of two blood sureties to the satisfaction of the Magistrate concerned.

8. With the above modification, this Criminal Original Petition is disposed of .

04.11.2022

Index: yes/no

Internet: yes/no

msr

To

1. The Inspector of Police,
Thiruvengadu Police Station,
Nagapattinam District

2. The Public Prosecutor, High Court, Madras.

Note: Issue copy on 16.11.2022



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R.N.MANULA, J.

msr

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