



Crl.OP.No.22134 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.22134 of 2022

R.Sellappan

... Petitioner

Vs.

State Rep by its
The Sub Inspector of Police,
Kariyakoil Police Station,
Salem District.
(Crime No.9 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 (i)(b) of Cr.P.C praying to modify the following conditions:

“1. that the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) as refundable deposit into the credit of Spl.SC.No.20/2019 before this Court, after redeposit the passport the petitioner shall receive the said amount by filing necessary petition before this Court;



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2. that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, out of whom one must be blood relative to the petitioner, along with the affidavit, for a like sum each to the satisfaction of this Court.”

imposed on the petitioner vide order dated 21.01.2022 made in Crl.MP.No.199 of 2022 in Crl.MP.No.4294 of 2021 in Crl.MP.No.3879 of 2021 in Spl.SC.No.20 of 2019, on the file of the Principal Sessions Judge, Salem.

For Petitioner : M/s.W.Camyles Gandhi

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking to modify the conditions imposed on the petitioner vide order dated 21.01.2022 made in Crl.MP.No.199 of 2022 in Crl.MP.No.4294 of 2021 in Crl.MP.No.3879 of 2021 in Spl.SC.No.20 of 2019, on the file of the Principal Sessions Judge, Salem.



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2. The learned counsel for the petitioner would submit that the petitioner is a senior citizen aged about 77 years. He would further submit that he petitioner was arrested in connection with a case in Cr.No.9 of 2017 and later granted bail by the learned Principal Sessions Judge, Salem in Crl.MP.No.3879 of 2021 in Spl.SC.No.20 of 2019 dated 28.10.2021 with a condition to deposit the petitioner's passport before the Passport Authority, Salem and produce the receipt before the concerned Court at the time of furnishing sureties. Thereafter, the condition earlier was modified in Crl.MP.No.4294 of 2021 dated 01.11.2021, to deposit the original Passport of the petitioner before the respondent police and produce the receipt before the Court.

3. The petitioner in due compliance of the same, produced the receipt before the concerned Court, while producing sureties. Thereafter, the petitioner in order to take treatment at Malaysia had filed an application in Crl.MP.No.199 of 2022 seeking for return of passport and permit him to travel to Malaysia. The learned counsel for the petitioner further submit that the learned Judge while passing the order had directed



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the petitioner to deposit a sum of Rs.2,00,000/- as refundable deposit to the credit of Spl.SC.No.20 of 2019 before the Court and re-deposit the passport after returning from Malaysia. Further, the Court had also directed the petitioner to execute a bond for a sum of Rs.10,000/- with two sureties, out of whom, one must be a blood relative to the petitioner along with the affidavit.

4. The learned counsel for the petitioner would submit that the petitioner is a Citizen of Malaysia and since he has been in India for the past three years, he is unable to raise funds for a sum of Rs.2,00,000/- . Further, he would submit that the petitioner is prepared to deposit a sum of Rs.1,00,000/- and he would also submit that none of his relatives are coming forward to stand as surety and he does not have any blood relative in India and hence, he would submit that instead of blood relative surety, the petitioner is ready to furnish Government servant as surety to the petitioner and thereby, he would seek for modification of the said condition.



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5. The learned Government Advocate (Crl.Side) would submit that the petitioner was absconding for a long time and after three years, he was secured pursuant to look out circular. If the condition is modified, there is every possibility of the petitioner not returning back to India and thereby, derailing the trial.

6. At this juncture, the learned counsel for the petitioner would submit that the case has been formally posted to 14.12.2022 before the trial court and the petitioner undertakes that he will return back to India during the first week of January 2023.

7. Taking into consideration the facts and the submissions made and also taking note of the fact that the case has been posted on 14.12.2022 and that the petitioner has also undertaken to return back to India during the first week of January 2023, this Court is inclined to modify the aforesaid conditions to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) as refundable deposit into the credit of Spl.SC.No.20/2019 before this Court and after



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redepositing the passport, the petitioner shall receive the said amount by filing necessary petition before this Court and the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, out of whom one should be a Government Servant, for a like sum each to the satisfaction of the Court below. The other conditions shall remain intact.

01.11.2022

Vv

Note : Issue Order Copy on 02.11.2022

To

1. The Principal Sessions Judge,
Salem.
2. The Sub Inspector of Police,
Kariyakoil Police Station,
Salem District.
3. The PublicProsecutor,
High Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.

Vv

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