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Crl.O.P No.26545 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.26545 of 2022

Prasanth

... Petitioner

Vs

State Rep. by
The Inspector of Police
All Women Police Station
Ammamet, Salem District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C., praying to modify the condition imposed by the learned Sessions Judge, Principal POCSO Court, Salem, vide order dated 10.10.2022 made in Crl.M.P No.722 of 2022, that the petitioner shall be released on bail on execution of a bond for Rs.25,000/- with two sureties for a likesum each with proper solvency certificates to the satisfaction of the Additional Mahila Court, Salem and on condition that one of the surety should be blood relative to the petitioner.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)



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ORDER

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The Criminal Original Petition has been filed, seeking to modify the condition imposed by the learned Sessions Judge, Principal POCSO Court, Salem, dated 10.10.2022 made in Crl.M.P No.722 of 2022.

2. The petitioner was arrested and remanded to judicial custody on 05.04.2022 and therefore, he filed a petition for statutory bail before the learned Sessions Judge, Principal POCSO Court, Salem. The learned Sessions Judge while granting statutory bail to the petitioner has imposed the following condition:

“In the result, the petitioner shall be released on bail on execution of a bond for Rs.25,000/- with two sureties to the likesum each with proper solvency certificates to the satisfaction of the Additional Mahila Court, Salem and on condition that one of the surety should be blood related to the petitioner.”

3. The learned counsel for the petitioner submitted that the blood relatives do not own properties to obtain solvency certificate and the



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relatives who have come forward to stand as sureties do not own any properties and therefore, it is very difficult for him to furnish the sureties and hence the condition should be modified.

4. Since the conditions have been imposed by the learned Sessions Judge, Principal POCSO Court, Salem, the petitioner is expected to file a petition for modification of the condition only before the concerned Court and not before this Court. The petitioner had filed this petition without exhausting the remedy open to him before the Sessions Judge, Principal POCSO Court, Salem. Hence this petition is liable to be dismissed.

5. Accordingly, this Criminal Original Petition stands dismissed.

02.11.2022

Index : Yes/ No
Speaking Order: Yes/No
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R.MANJULA, J



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To

1. The Sessions Judge,
Principal POCSO Court, Salem,
2. The Inspector of Police
All Women Police Station
Ammamet, Salem District.
3. The Public Prosecutor
High Court of Madras.

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