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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2022

CORAM

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4916 of 2022

B.Narayanan : Petitioner

Vs

State represented by
The Sub Inspector of Police,
Kollencode Police Station,
Kollencode, Kanyakumari District.
Crime No.443 of 2021.

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to modify the order passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil made in Crl.M.P.No.5813 of 2021, dated 22.12.2021 in Crime No.443 of 2021 on the file of the Sub Inspector of Police, Kollencode Police Station, Kollencode, Kanyakumari District reducing the solvency sureties to the lesser amount as from Rs.8,00,000/- and also the petitioner forthwith in returning the vehicle, which was seized in the above said crime number forth with.

For Petitioner : Mr.S.Palani Velayutham,
For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Criminal Side)

O R D E R

The Criminal Original Petition has been filed seeking modification of the condition imposed by the learned Principal Sessions Judge, Kanyakumar District at Nagercoil made in Crl.M.P.No.5813 of 2021, dated 22.12.2021, directing the petitioner to execute the bond for a sum of Rs.8,00,000/- with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a likesum to the satisfaction of the Judicial Magistrate No.II, Kuzhithurai.

2.The learned counsel for the petitioner would submit that the petitioner finds difficulty to get two sureties and solvency certificates to the tune of Rs.8,00,000/- and that the said condition may be modified.



3.The learned Government Advocate (Criminal Side) appearing for the State would submit that the vehicle involved is Bharat Benz and the present value of the vehicle is Rs.54 lakhs.

4.Considering the value of the vehicle and also considering the nature of the charges levelled against the petitioner, the condition imposed cannot be found fault with. But, considering the submission made by the learned counsel for the petitioner that he is ready to execute a bond for higher amount and to produce the two solvent sureties for some lower amount, this Court is inclined to modify the condition and that the petitioner is directed to execute a bond for a sum of Rs.14,00,000/- and two solvency sureties, each for a sum of Rs.5,00,000/- to the satisfaction of the learned Judicial Magistrate No.II, Kuzhithurai and the other conditions imposed by the learned Judge shall remain unaltered.

Sd/-

Assistant Registrar (AE)

// True Copy //

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge,
Kanyakumar District at Nagercoil.
- 2.The Judicial Magistrate No.II, Kuzhithurai.
- 3.The Sub Inspector of Police,
Kollencode Police Station,
Kollencode, Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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Date : 21/03/2022

KG(CO)

KB(01.04.2022) 2P 5C