



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CRL OP(MD). Nos.5726, 5727, 5740 and 5742 of 2022

M.Balamurugan

... Petitioner in all petitions

Vs

1.The Inspector of Police,
Piliyampatti Police Station,
Thoothukudi District.
(in Crime Nos.64, 45 and 44 of 2021)

... Respondent in
Crl.O.P. (MD)Nos.5726, 5727 and 5740 of 2022

2.The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
(in Crime No.209 of 2021)

... Respondent in Crl.O.P. (MD)No.5742 of 2022

Common Prayer: These petitions are filed under Section 439(1)(b) of Cr.P.C. to modify the condition imposed by the learned Judicial Magistrate No.1, Kovilpatti made in Cr.M.P.Nos.8610, 8611 and 8612 of 2021, respectively, dated 10.11.2021 and Cr.M.P.No.9605 of 2021, dated 29.11.2021.

For Petitioner : Mr.S.Malaikani (For all CRL. OPs
For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl. side)

COMMON ORDER

These petitions have been filed seeking to modify the conditions imposed by the learned Judicial Magistrate No.1, Kovilpatti, directing the petitioner to execute a bond for a sum of Rs.20,000/- with four sureties, two of such sureties shall be blood related and other two shall be local resident within the jurisdiction of the Court in each cases.

2.The learned counsel for the petitioner would submit that the learned Magistrate, in four cases, has passed separate orders directing the petitioner to furnish four sureties.



3.The learned Government Advocate (Crl. side) would submit that the petitioner is having 47 previous cases and hence, the learned Magistrate has rightly imposed the conditions.

4.The learned Magistrate has not only directed the petitioner to furnish the four sureties in each cases, but also directed to produce blood related sureties and local resident sureties within the jurisdiction of that Court. Just because, the petitioner is having many previous cases, onerous conditions cannot be imposed so as to preventing him from coming out on bail.

5.As rightly pointed out by the learned counsel for the petitioner, the imposition of the conditions for production of four sureties in each of the four cases and that too two blood related sureties and two local resident sureties are onerous and in fact, the imposition of the said conditions amounts to denial of bail.

6.No doubt, the Hon'ble Supreme Court and this Court have repeatedly held that while enlarging the accused on bail, onerous conditions should not be imposed.

7.Considering the above, this Court is inclined to modify the conditions imposed by the learned Judicial Magistrate No.1, Kovilpatti to that effect that the petitioner shall execute a bond for a sum of Rs.20,000/- with two sureties in each case and other conditions imposed by the trial Court shall remain unaltered.

8.With the above modification, these Criminal Original Petitions are partly allowed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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 Judicial Magistrate No.1, Kovilpatti.
- 2.The Inspector of Police,
Piliyampatti Police Station,
Thoothukudi District.
- 3.The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+4 CC to Mr.S.MALAIKANI, Advocate SR.No. 2640 to 2643

CRL OP(MD) Nos.5726, 5727, 5740
and 5742 of 2022
29.03.2022

sb(CO)
TR(11.04.2022) 3P 9C