



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5812 of 2022

WEB COPY

Pandi

: Petitioner /Accused No.2

Vs.

State represented by
The Inspector of Police,
Devathanapatti Police Station,
Theni District.
Crime No.622/2016.

: Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 r/w. Section 439(1)(b) of Cr.P.C., to modify the onerous condition imposed upon the petitioner in Cr.M.P.No.13 of 2021, dated 11.08.2021 on the file of the Additional District and Sessions Court, Periakulam, Theni District.

For Petitioner : Mr.S.Vikram,

For Respondent : Mr.M.Muthu Manikkam,

Government Advocate (Criminal Side)

ORDER

The Criminal Original Petition is filed seeking modification of the condition imposed by the learned Additional District and Sessions Judge, Periakulam, Theni District, in Cr.M.P.No.13 of 2021, dated 11.08.2021, wherein the petitioner was directed to furnish two sureties for Rs.50,000/- in which, one must a blood relative and he has to produce the title deeds.

2.It is seen from the records that the petitioner was charged for the offence under Sections 302 @ 341, 302, 109 r/w 34 of IPC. It is also not in dispute that NBW pending against him was executed and was arrested on 27.01.2020 and he is in judicial custody. The learned Additional District and Sessions Judge, Periakulam, Theni District vide order dated 11.08.2021, has granted bail, but imposed the above conditions.

3.As rightly contended by the learned counsel for the petitioner, imposing conditions directing for production of blood relative surety and also for production of title deed are onerous and imposing of said condition amounts to denial of bail.

4.No doubt, the Hon'ble Supreme Court as well as this Court number of judgments, have specifically held that while enlarging the accused on bail, onerous conditions should not be imposed.



5.Considering the above, this Court is inclined to modify the condition imposed by the learned Additional District and Sessions Judge, Periakulam, Theni District, in Cr.M.P.No.13 of 2021, dated 11.08.2021 and the petitioner is directed to execute a bond for a sum of Rs.50,000/- with two sureties for like sum to the satisfaction of the learned Additional District and Sessions Judge, Periakulam, Theni District and the other conditions imposed by the learned Judge shall remain unaltered and further two weeks time is extended for furnishing the sureties from today.

6.With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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 Additional District and Sessions Judge,
Periakulam, Theni District.

2.The Inspector of Police,
Devathanapatti Police Station,Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VIKRAM, Advocate (SR-15766[F] dated 31/03/2022)

CRL OP(MD). No.5812 of 2022

Date : 31/03/2022

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