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Crl.M.P.No.5601 of 2023

in

Crl.A.No.5 of 2022

M.SUNDAR, J.,

and

M.NIRMAL KUMAR, J.,

[Order of the Court was made by M.NIRMAL KUMAR, J.,]

The petitioner / appellant has filed Crl.M.P.No.19557 of 2022 in Crl.A.No.5 of 2022 before this Court seeking suspension of sentence imposed vide order dated 01.11.2021 made in S.C.No.41 of 2019 on the file of learned Principal Sessions Court, Tiruppur. After considering the nature of the case and objections raised therein, this Court vide order dated 09.01.2023 granted suspension of sentence with three conditions.

2. Now, the petitioner / appellant has filed Crl.M.P.No.5601 of 2023 in Crl.A.No.5 of 2022 seeking modification of one of the conditions i.e., Condition No.(i) imposed vide order dated 09.01.2023 made in Crl.M.P.No.19557 of 2022 in Crl.A.No.5 of 2022.



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3. The condition No.(i) is, the petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal Sessions Court, Tiruppur.

4. The contention of the learned counsel for the petitioner is that, though the petitioner was granted suspension of sentence vide order dated 09.01.2023, due to blood relatives condition to give sureties he is not able to execute the bond and come out on bail till date. Hence, this petition has been filed by the petitioner / appellant for modification of the above said condition.

5. Mr.E.Raj Thilak, learned Additional Public Prosecutor who accepts notice for the respondent submits that the conditions are imposed to ensure that the appellant does not abscond and he is available at the time of hearing the appeal.



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6. The learned counsel for the petitioner submitted that one of the conditions is, the petitioner to appear before the learned Principal Sessions Court, Tiruppur on the first working day of every month at 10.30 a.m. and he shall comply the condition. The learned counsel submitted that the appellant will not be a reason for delay, when the appeal is taken up for final hearing.

7. Considering the submission of both sides, this Court is inclined to modify the condition No.(i) to the extent that 'blood relative surety' is alone deleted. Now, the condition will read as 'the petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, for a like sum to the satisfaction of the learned Principal Sessions Court, Tiruppur'. Rest of the conditions imposed by this Court in order dated 09.01.2023 shall remain the same.

8. With the above modification, this Criminal Miscellaneous Petition is ordered.

(M.S.,J.) (M.N.K.,J.)
20.04.2023

mk

Note: Issue order copy today

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