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CrI.OP.No.13811 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.07.2023

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THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.13811 of 2023

H.N.Arun Kumar

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
K9, Thiru.Vi.Ka.Nagar Police Station,
Chennai.
Cr.No.62 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to set aside the order dated 07.06.2023 in CrI.M.P.No.12375 of 2023 passed by the learned Principal Sessions Judge, Chennai and modify the bail condition (i.e) (1) the petitioner/accused should execute a bond for sum of Rs.50,000/- along with two sureties each for like sum with the satisfaction of this Court. (2)The petitioner/accused has been permanently residing at State of Karnataka the petitioner and the other accused had stolen the gold jewels approximately 9 Kgs. Hence any one of the sureties must possess immovable property in and around the State of Tamil Nadu or State of Karnataka. 3)The petitioner/accused shall produced one of the sureties must working under the Central Government



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of India and the State Government of Tamil Nadu by the learned V Metropolitan Magistrate at Egmore in Crl.M.P.No.14652 of 2023 dated 24.05.2023 in Crime No.62 of 2023 on the file of the respondent Police.

For Petitioner : Mr.P.R.S.Thamizhmaran

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

ORDER

This petition has been filed to set aside the order dated 07.06.2023 in Crl.M.P.No.12375 of 2023 passed by the learned Principal Sessions Judge, Chennai and modify the bail condition (i.e) (1) the petitioner/accused should execute a bond for sum of Rs.50,000/- along with two sureties each for like sum with the satisfaction of this Court. (2)The petitioner/accused has been permanently residing at State of Karnataka the petitioner and the other accused had stolen the gold jewels approximately 9 Kgs. Hence any one of the sureties must possess immovable property in and around the State of Tamil Nadu or State of Karnataka. 3)The petitioner/accused shall produced one of the sureties must working under the Central Government of India or the State Government of Tamil Nadu by the learned V Metropolitan Magistrate at Egmore in Crl.M.P.No.14652 of 2023 dated 24.05.2023 in Crime No.62



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of 2023 on the file of the respondent Police.

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2.The learned counsel for the petitioner submitted that the learned V Metropolitan Magistrate, Egmore, while granting bail to the petitioner in CrI.M.P.No.14652 of 2023 directed that “The petitioner/accused shall produce sureties and one of the sureties must working under the Central Government of India or the State Government of Tamil Nadu.

3.It is the submission of the learned counsel for the petitioner that petitioner is not able to secure the surety who is working in Central Government of India or the State Government of Tamil Nadu and thus seeks modification of this condition.

4.This Court is of the view that securing a Central Government servant or servant of State Government of Tamil Nadu as surety for the petitioner is an onerous condition for the reason that normally no person would come to act as surety, much less a Government servant. Therefore, this condition is set aside and the petitioner is directed to secure two



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respectable and genuine sureties, preferably one person from his native state, who can vouch for the appearance of the petitioner for facing trial.

5.Accordingly, this Criminal Original Petition is allowed.

07.07.2023

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To

1.The Principal Sessions Judge, Chennai
2.The V Metropolitan Magistrate at Egmore.
3.The Inspector of Police,
K9, Thiru.Vi.Ka.Nagar Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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