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CrI.O.P.No.16626 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

CRL.O.P. No.16626 of 2023

L.Gajendra

.. Petitioner

Vs.

The Sub-Inspector of Police,
K-9 Thiru.Vi.Ka. Nagar Police Station,
Chennai.

(Crime No.62/2023)

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. to call for the records relating to the case in CrI.M.P.No.10637 of 2023 dated 24.04.2023 in Crime No.62 of 2023 on the file of Learned V Metropolitan Magistrate Court, Egmore, Chennai – 600 008 and set aside and modify the bail conditions directing the petitioner/accused herein with the conditions that any one of the sureties must possess immovable property in and around the State of Tamil Nadu or State of Karnataka and also the Petitioner/Accused shall produce one of the sureties must working under the Central Government of India or the State Government of Tamil Nadu.

For Petitioner : Mr.C.Chrispin Raj

For Respondent: Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.side)



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ORDER

This petition has been filed for modification of the condition imposed by the learned V Metropolitan Magistrate Court, Egmore, Chennai – 600 008, in Crl.M.P.No. 10637 of 2023 dated 24.04.2023, that any one of the sureties must possess immovable property in and around the State of Tamil Nadu or State of Karnataka and also the Petitioner/Accused shall produce one of the sureties must work under the Central Government of India or the State Government of Tamil Nadu.

2. Learned counsel for the petitioner submitted that petitioner was granted bail in Crl.M.P.No.10637 of 2023 by the learned V Metropolitan Magistrate Court, Egmore, Chennai – 600 008. While granting bail, the following conditions were imposed:-

“5. ...

2.The Petitioners/accused have been permanently residing at State of Karnataka the petitioners 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.



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3. The Petitioners/accused shall produced one of the sureties must working under the Central Government of India or the State Government of Tamil Nadu.”

Petitioner is poor and he is not able to get sureties. He has no surety, who owns immovable properties in around the State of Tamil Nadu or State of Karnataka and he is not able to secure any Central Government of India or the State Government of Tamil Nadu employee, to come forward to act as sureties. Because of his inability to secure these sureties, he is languishing in jail, though he was granted bail on 24.04.2023.

3. In the said circumstances stated by the learned counsel for the petitioner, this Court is inclined to modify the above said conditions.

4. Accordingly, the conditions 5(2) & 5(3) imposed on the petitioner in Crl.M.P.No.10637 of 2023 dated 24.04.2023, is hereby modified as follows:-

“petitioner shall produce two acceptable and reliable sureties with Aadhar card, preferrably blood/close relatives of the petitioner as sureties.”

Other conditions shall remain intact.



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5. Accordingly, this Criminal Original Petition is ordered.

03.08.2023

Index : Yes/No

Internet : Yes

Speaking/non speaking order
mpl

To

1. The V Metropolitan Magistrate, Egmore.
2. The Sub-Inspector of Police,
K-9 Thiru.Vi.Ka. Nagar Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

mpl

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