



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.3722 of 2023

WEB COPY

Seenakesavan

... Petitioner/Petitioner

-VS-

The State represented by
The Inspector of Police,
Cumbum South Police Station,
Theni District.

(in Cr.No.271 of 2022)

... Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 439(1) (b) of Cr.P.C, praying to modify the condition No.II, as common surety instead of producing blood surety in Cr.M.P.No.1897 of 2022 passed by the Court of Sessions, Mahalir Neethimandram, Fast Tract Mahila Court, Theni, on 17.11.2022 in Cr.No.271 of 2022 on the file of the respondent Police.

For Petitioner : Mr.P.PONRAJ, Advocate
For Respondent : Mr.M.VEERANTHIRAN
Government Advocate (Crl.side)

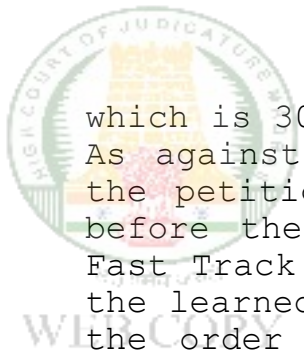
ORDER

This petition has been filed seeking to modify the condition No.II, as common surety instead of producing blood surety in Cr.M.P.No.1897 of 2022 passed by the Court of Sessions, Mahalir Neethimandram, Fast Track Mahila Court, Theni, on 17.11.2022 in Cr.No.271 of 2022 on the file of the respondent Police.

2.The learned Counsel for the petitioner would submit that the petitioner is arrayed as A1 in Cr.No.271 of 2022 on the file of the respondent Police registered for the offences punishable under Sections 366 IPC and Section 9 of Child Marriage Act, 2006 and Section 6 of POCSO Act and Section 3(2)(v) of SC/ST (PoA) Amendment Act, 2015 and he was arrested and remanded to judicial custody on 14.10.2022. Earlier, the petitioner was granted bail by the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, on 17.11.2022 with certain conditions. Among other conditions, one of the condition is that "the petitioner is enlarged on bail on execution of bond for Rs.10,000/- with two sureties. Sureties are blood relation. (one surety father, mother sister, brother of the petitioner)".

3.The learned Counsel for the petitioner would submit that since the petitioner's blood relatives are living in Thirupathur,

<https://www.mhc.tn.gov.in/judis>



which is 300 kms away, the petitioner is unable to furnish .
As against the condition imposing the furnishing of blood surety, the petitioner has also filed a petition in Cr.M.P.No.201 of 2023 before the learned learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni. However, the same was dismissed by the learned Trial Judge on 09.02.2023. He would submit that despite the order of bail being passed on 17.11.2022, the petitioner is unable to come out of jail, since he is unable to furnish blood surety. Hence, he would seek for modification.

4.The learned Government Advocate (crl.side) would submit that the petitioner has committed penetrative sexual assault on the victim girl and he would object for allowing this petition.

5.Considering the facts and circumstances of the case and also considering the submissions made by the learned Counsel for the petitioner, this Court is inclined to allow this petition. Accordingly, this petition is allowed and the the condition No.2 imposed by the the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, in Cr.M.P.No.1897 of 2022, dated 17.11.2022 is modified to the effect that **the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties.** The other parts of the order, dated 17.11.2022 shall remain unaltered.

sd/-

27/02/2023

/ TRUE COPY /

27/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, FAST TRACK MAHILA COURT, THENI.

2 THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION, THENI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PONRAJ.P Advocate SR.No.11112 (F) Dt.27/02/2023.

ORDER IN

CRL OP(MD) No.3722 of 2023
Date :27/02/2023

SA/SSS/SAR. /27.02.2023/2P/5C