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CRL O.P. No.22190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.22190 of 2024

Suresh @ Pattarai Suresh S/o. Sonaiyan
Vs

... Petitioner

State rep. by:-

The Inspector of Police,
Ammapettai Police Station,
Erode District.
[Cr. No.252 of 2023]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483(1)(b) of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to modify the condition imposed in the order dated 19.06.2024 in Crl. M.P. No.1902 of 2024 passed by the Principal Sessions Court, Erode that "the petitioner / A4 is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- with two sureties, **of which one must be a blood relative and the other must be a person residing within the jurisdiction of Bhavani Taluk**, each for a like sum to the satisfaction of the Judicial Magistrate Court No.I, Bhavani"



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For Petitioners : Mr. W. Camyles Gandhi

For Respondent : Mr. S. Santhosh
Government Advocate
[Criminal side]

ORDER

This petition has been filed seeking to modify the condition imposed in the order dated 19.06.2024 in CrI. M.P. No.1902 of 2024 passed by the Principal Sessions Court, Erode.

2. The learned counsel appearing for the petitioner would contend that the petitioner / A4 was arrested and remanded to judicial custody on 18.03.2024 in the above case in Cr. No.252 of 2023 for the alleged offences under Sections 457, 393, 398 and 399 of IPC and he was released on conditional bail vide order dated 19.06.2024 passed in CrI. M.P. No.1902 of 2024 passed by the learned Principal Sessions Judge, Erode. Now the petitioner has come forward with this application to modify one of the conditions that "the petitioner / A4 is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- with two sureties, **of which one must be a blood relative and the other must be a person residing within the jurisdiction of Bhavani Taluk**, each for a



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like sum to the satisfaction of the Judicial Magistrate Court No.I,
Bhavani".

3. The learned Government Advocate (Criminal side) appearing for the respondent police would contend that on 16.10.2023, the petitioner/A4 along with other accused, was making preparation to commit decoity of a document in the house of the defacto complainant, that they assembled with dangerous weapons and trespassed into the house of the defacto complainant by break open the door and they threatened the defacto complainant and her family by showing knife and hence the petitioner/A4 was arrested and remanded to judicial custody on 18.03.2024 for the alleged offences under Sections 457, 393, 398 and 399 of IPC. Therefore, this modification petition is liable to be dismissed.

4. Considering the submissions putforth on either side and considering the fact that the condition passed by the trial court that 'one surety must be a blood relative and the other must be a person residing



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within the jurisdiction of Bhavani Taluk', is an onerous condition, I am inclined to modify the condition to the effect that **"the petitioner / A4 is released on bail on his executing a bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court No.I, Bhavani"**. The other conditions imposed in the order dated 19.06.2024 in Crl. M.P. No.1902 of 2024 shall remain unaltered. Further, the Magistrate is hereby directed to follow the Rule 14 of Criminal Rules of Practice, while accepting the sureties.

5. Accordingly, the condition is **modified**.

10.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1.The Principal Sessions Court, Erode.

2. The Judicial Magistrate Court No.I, Bhavani

3. The Inspector of Police,
Ammapettai Police Station,
Erode District.

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4.The Public Prosecutor, High Court, Madras.

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P.DHANABAL,J

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