



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.28699 of 2024

Shewak

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Avinankudi Police Station,

(Crime No.127 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483(1)(b) of BNSS Act, pleaded to modify the bail condition in Crl.M.P.No.2693 of 2024 dated 22.04.2024 passed by the Principal District and Sessions Court, Cuddalore, by furnishing own bond instead of producing one surety.

For Petitioner : Mr.K.Balaganesh

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



WEB COPY

ORDER

This Criminal Original Petition has been filed to modify the condition imposed on the petitioner by the Principal District and Sessions Court, Cuddalore, in CrI.M.P.No.2693 of 2024 on 22.04.2024.

2. Learned counsel for the petitioner submitted that the petitioner is an accused in S.C.No.31 of 2024 pending trial on the file of the learned Principal District and Sessions Judge, Cuddalore. He was granted bail in CrI.M.P.No.1498 of 2024 on 29.02.2024 with a condition to execute 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 learned Judicial Magistrate, Thittakudi. Thereafter, the petitioner has filed CrI.M.P.No.2693 of 2024 seeking for modification of the condition and the learned Sessions Judge, Cuddalore, by an order dated 22.04.2024 had modified the condition to produce one surety instead of two sureties. He further submitted that since none of the petitioner's relatives are ready to offer surety for him, he was unable to execute the surety and thereby, despite the bail being granted on 29.02.2024, he is still in custody. Therefore, if the petitioner is granted



WEB COPY

temporary bail for a specified period, he can request his relatives to offer a surety for him. He further submitted that in a similar circumstances, the Hon'ble Supreme Court, in *SMWP (Criminal) No.4 of 2021 (In Re Policy Strategy for Grant of Bail Vs. Mr.Gaurav Agrawal)*, had held that the petitioner can be released on temporary bail for a specified period, so that he can furnish bail bond or sureties.

3. Learned Government Advocate (crl.side) submitted that despite the petitioner being granted bail on 29.02.2024, he is still in custody, since he is unable to furnish the sureties.

4. Considering the submissions made by the learned counsel on either side, this Court is inclined to modify the condition imposed by the learned Principal District and Sessions Judge, Cuddalore in Crl.M.P.No.2693 of 2024 on 22.04.2024. Thereby, the petitioner is ordered to be released on **temporary bail** for a period of **six weeks from today**, on condition to execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of the Prison concerned in which the petitioner is confined. Further, the petitioner, within a period of six weeks, should execute



WEB COPY

a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with one surety, for a like sum to the satisfaction of the learned **Judicial Magistrate, Thittakudi** and on executing the surety, the temporary bail granted to the petitioner shall be made absolute. The petitioner shall comply with the other conditions imposed by the learned Principal District and Sessions Judge, Cuddalore in CrI.M.P.No.1498 of 2024.

5. Accordingly, this Criminal Original Petition is ordered.

18.11.2024

vkrr

Note: Issue order copy on 18.11.2024



WEB COPY

To

1. The Judicial Magistrate,
Thittakudi.
2. The Inspector of Police,
Avinankudi Police Station.
3. The Superintendent,
Central Prison,
Cuddalore.
- 4 The Public Prosecutor,
High Court of Madras.



WEB COPY



A.D.JAGADISH CHANDIRA.,J.

Vkr

Crl.O.P.No.28699 of 2024

18.11.2024