



WEB COPY



Crl.R.C.No.2142 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2142 of 2023

Beem Bahadur Deuba @ Karan

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

G-3, Kilpauk Police Station,

Chennai.

... Respondents

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order dated 06.11.2023 passed by the learned Sessions Judge, Chennai on the file of Pincipal Sessions Judge in Crl.M.P.No.28226 of 2023 and modify the condition in bail order in Crl.M.P.No.42130 of 2022 dated 20.12.2022 on the file of II Metropolitan Magistrate, Egmore, Chennai in Crime No.136 of 2022 on the file of the Inspector of Police, G-3, Kilpauk Police Station that "petitioner shall execute the bond for a sum of Rs.5,000/- with two sureties and on condition on among the sureties one must be blood relative".

For Petitioner : Mr.R.Muthukumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



Crl.R.C.No.2142 of 2023

ORDER

WEB COPY

This Criminal Revision Petition has been filed seeking to set aside the order dated 06.11.2023 passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.28226 of 2023 and modify the condition in bail order in Crl.M.P.No.42130 of 2022 dated 20.12.2022 on the file of II Metropolitan Magistrate, Egmore, Chennai.

2.This Court, on 18.12.2023, had passed the following order:

"The petitioner was granted statutory bail in C.M.P.No.42130 by the learned II Metropolitan Magistrate, Egmore, Chennai vide order dated 20.12.2022. One of the condition stipulated for granting statutory bail is that one of the sureties must be blood relative of the petitioner. Aggrieved against the same, the petitioner filed a petition for modification of condition before the learned Principal Sessions Judge, Chennai in C.M.P.No.28226 of 2023. The learned Principal Sessions Judge by order dated 06.11.2023 dismissed the same finding that the condition is not an onerous one. Against which, the present revision petition filed.



Crl.R.C.No.2142 of 2023

WEB COPY

2.The learned counsel for the petitioner submits that the petitioner was granted statutory bail on 20.12.2022 and it is almost one year after grant of bail, the petitioner is unable to furnish sureties. He would submit that since the petitioner hails from Nepal and presently staying in Andhra Pradesh, he has got no blood relative or close relative in Chennai to offer sureties. Hence, he prayed for modification.

3.The learned Additional Public Prosecutor submitted that the petitioner involved in the offence under Section 381 IPC and if the condition is modified and the petitioner was granted bail, he would abscond, unable to be traced, investigation and trial would get stalled.

4.At this stage, the learned counsel for the petitioner was directed to find out whether any alternate sureties is available. To furnish particulars, he seeks small accommodation.

5.Post the matter on 21.12.2023.”

3.In continuation and conjunction to the earlier order passed by this Court on 18.12.2023, today, the learned counsel for petitioner produced the Aadhaar card details of two persons, namely, Deependra Bagathur and Sunil.



Crl.R.C.No.2142 of 2023

Both of them though hail from the place of petitioner, they are staying in Chennai. Their Aadhaar details also produced.

4.In view of the same, the impugned order in Crl.M.P.No.28226 of 2023, dated 06.11.2023 passed by the learned Principal Sessions Judge, Chennai is set aside and the condition imposed by the Lower Court that one of the sureties must be the blood relative is modified and the petitioner shall produce the above two sureties and the same may be accepted of course after satisfaction of the Lower Court.

5.Accordingly, the Criminal Revision Case is allowed.

01.02.2024

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order

Neutral Citation : Yes/No

rsi

Note: Issue order copy on 02.02.2024



Crl.R.C.No.2142 of 2023

To

WEB COPY

- 1.The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.
- 2.The Principal Sessions Judge,
Chennai.
- 3.The II Metropolitan Magistrate,
Egmore, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.2142 of 2023

M.NIRMAL KUMAR, J.

rsi

Crl.R.C.No.2142 of 2023

01.02.2024