

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.11455 of 2015

Murali @ Siva

.. Petitioner/ Accused 1

Vs.

The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No.81 of 2013)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside and modify the order passed in Crl.M.P.No.770 of 2015 by order dated 16.04.2015 by the learned Principal District Sessions Judge, Dharmapuri confirming the order passed in Crl.M.P.No.1334 of 2015 by the learned Judicial Magistrate, Palacode by order dated 05.03.2015 directing the petitioner to deposit the original title deeds as a security for his appearance alone.

For Petitioner :Mr.C.Ramkumar

For Respondent :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. It is seen that the petitioner was arrested by the respondent police and later released on bail. The police completed the investigation and filed a final report. The petitioner was absconding for more than 1½ years and ultimately, he was re-arrested by the respondent police on 19.02.2015.

3. It is seen that the trial court had granted bail in CrI.M.P.No.1334 of 2015 dated 05.03.2015, on condition that the petitioner shall deposit the original title deed of the properties and execute a bond for a sum of Rs.5,000/- with two sureties.

4. The learned counsel for the petitioner submitted that the aforesaid condition is very onerous, inasmuch as, the petitioner is a poor person and does not have any property for depositing the original title deed and that is why, he is in incarceration since 05.03.2015, even after the grant of bail.

5. The learned Additional Public Prosecutor submitted that the petitioner was absconding for more than 1½ years and with great difficulty, he was arrested and five witnesses have already been examined and the case is posted to 06.05.2015 for examining the list of witnesses 6 to 8. He further submitted that if bail is granted, the petitioner will once again abscond and the trial will not progress. The apprehension of the Additional Public Prosecutor is indeed has to be reckoned.

6. Taking into consideration of the facts and circumstances of this case, this Court is of the view that in the interest of justice, if the bail condition is modified and instead of asking the petitioner to deposit the original title deed of the properties, the petitioner shall be released, on executing a bond for a sum of Rs.10,000/- with two solvent sureties of which, one should be his parent.

7. The Magistrate shall accept the sureties after 06.05.2015, so that the witnesses are examined on that day.

With the above modification, this petition is ordered accordingly.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

kkd

To

1.The Inspector of Police,
Palacode Police Station,
Dharmapuri District.

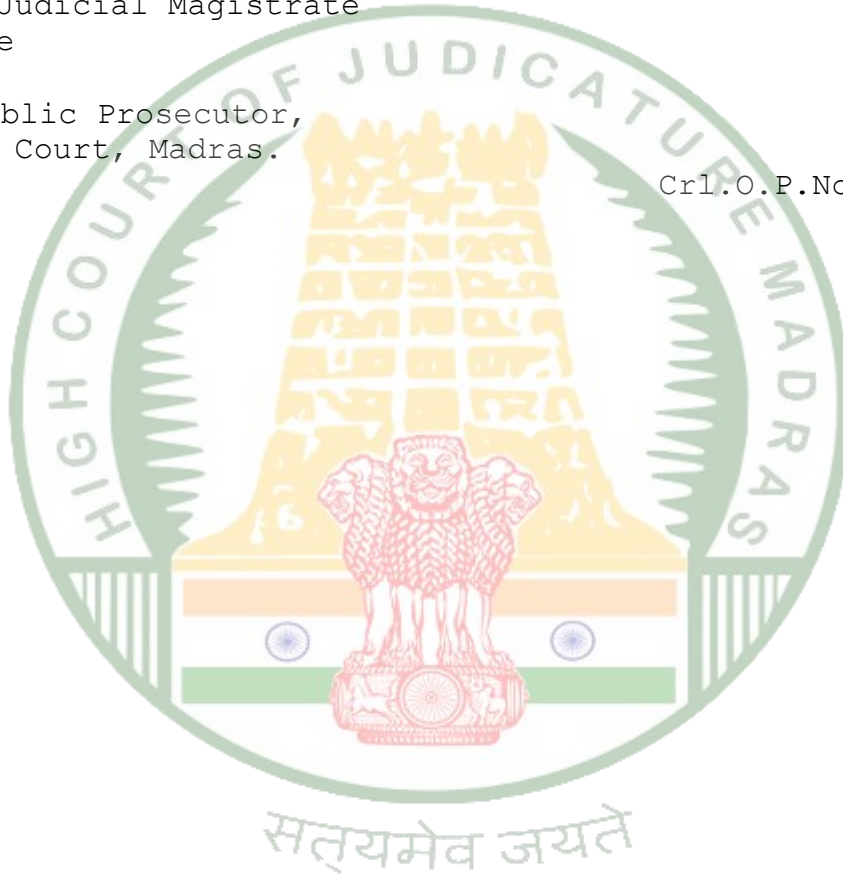
2. The Principal District Sessions Judge
Dharmapuri

3. The Judicial Magistrate
Palacode

4.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.11455 of 2015

RJ (CO)
kk 19/5



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