

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P. No.15036 of 2015

Kuzhandhaivelue

... Petitioner/Accused

Vs.

The Inspector of Police,
CCIW Town,
(Co-operative case Investigation Wing),
CoimbatoreKanchi.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 readwith 439 of Cr.P.C., to modify the order dated 04.06.2015 made in Crl.M.P.No.1464 of 2015 passed by the Principal District and Sessions Judge, Coimbatore.

For Petitioner : Mr.P.V.Selvarajan for
Mr.R.Aranganathan

For Respondent : Mr.M.Mohamed Riyaz
Government Advocate (crl.side)

ORDER

This application has been filed seeking to modify the order dated 04.06.2015 made in Crl.M.P.No.1464 of 2015 passed by the learned Principal District and Sessions Judge, Coimbatore.

2. While granting bail to the petitioner, the learned Sessions Judge has directed the petitioner to deposit a sum of Rs.3 lakhs into the court concerned (Judicial Magistrate No.IV) to the credit of Cr.No.1/2015. Aggrieved over the said condition, the learned counsel for the petitioner has come forward with this petition.

3. Learned counsel for the petitioner submitted that the petitioner never volunteered to deposit any amount. Under such circumstances, the condition imposed by the said court is not

sustainable. In support of his contention, learned counsel for the petitioner relied upon the judgment of the Honourable Supreme Court reported in (2006) 9 Supreme Court Cases 169 (Shyam Singh v. State).

4. Learned Government Advocate (Crl.side) vehemently opposed this petition seeking to modify the order dated 04.06.2015.

5. On perusal of the order dated 04.06.2015, it appears that the condition imposed by the learned Sessions Judge directing the petitioner to deposit a sum of Rs.3 lakhs into the Court, is legally unsustainable, when the petitioner has not volunteered to deposit the amount. It is open to a court to grant or refuse bail, but to assume that an offence has been committed even at the stage of granting bail and to direct repayment of any amount is onerous and unwarranted. Therefore, the said condition is liable to be deleted.

6. Accordingly, the condition imposed on the petitioner by the learned Principal District and Sessions Judge, Coimbatore in Crl.M.P.No.1464/2015 dated 04.06.2015 that the petitioner should deposit a sum of Rs.3 lakhs into the court concerned (Judicial Magistrate No.IV) to the credit of Cr.No.1/2015, is deleted.

7. All the other conditions imposed on the petitioner in the order in Crl.M.P.No.1464 of 2015 dated 04.06.2015, remain unaltered. The petitioner is granted two weeks time from today to comply with the other conditions imposed by the learned Principal District and Sessions Judge, Coimbatore, in the order dated 04.06.2015.

8. With the above modification, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

vsi

To

1. The Principal District and Sessions Judge,
Coimbatore.

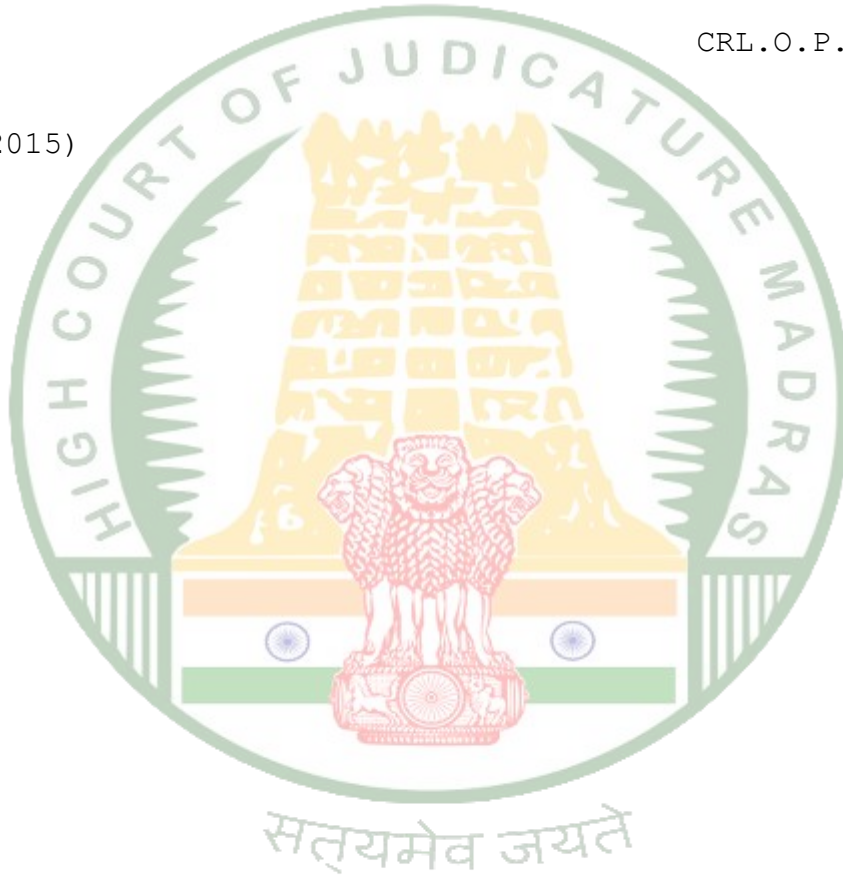
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2. The Public Prosecutor,
High Court, Chennai.
3. The Judicial Magistrate No.IV,
Coimbatore.
4. The Inspector of Police,
CCIW Town (Co-operative Case Investigation Wing),
CoimbatoreKanchi.

+1cc to Mr.R.Aranganathan, Advocate, S.R.No.30184

CRL.O.P.No.15036 of 2015

MSM(CO)
CA(25/06/2015)



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