

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.21666 of 2015

1.Chinnasamy
2.Arun
3.Shankar

... Petitioners/Accused 1,3 &4
Vs.

The State by Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
(Crime No.337 of 2015)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to modify the condition No.3 imposed in Crl.M.P.No.1559 of 2015 in Crime No.337/2015 order dated 19.08.2015 by the Hon'ble Principal Sessions Court, Dharmapuri.

For Petitioners : Mr.A.Ilaya Perumal
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to modify the condition No.3 imposed in the order dated 19.08.2015, passed by the Principal Sessions Court, Dharmapuri in Crl.M.P.No.1559 of 2015 in Crime No.337/2015.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondent.

3. It is seen that these petitioners are accused in Crime No.337 of 2015 for an offence under Section 379 IPC r/w Sec.3 of TNPPDL Act 1992. These petitioners were granted Anticipatory Bail on 19.08.2015 by the Principal Sessions Court, Dharmapuri in Crl.M.P.No.1559 of 2015, on condition that, each petitioner should deposit a sum of Rs.10,000/- each into the Court.

4. The learned counsel for the petitioners submits that, the total damage itself comes to only Rs.25,000/- and that the condition asking each of the petitioners to deposit Rs.10,000/- is indeed very high.

5. In cases arising under TNPPDL Act, where there has been a damage to public property, it is not illegal for the Court to direct the accused to deposit money while granting bail or anticipatory bail. Therefore, the order of the Sessions Court cannot be said to be illegal. However, taking into consideration the quantum of loss, it will serve the interest of justice, if the condition is modified to the effect that, each of the petitioners shall deposit a sum of Rs.5,000/- each with the Public Works Department, Dharmapuri District and produce the receipt to the Magistrate at the time of furnishing sureties. The time granted for furnishing the sureties and depositing the amount is extended by two weeks from the date of receipt of a copy of this order. Rest of the conditions imposed by the Sessions Court are maintained.

4. In view of the above, this Criminal Original Petition is closed.

Sd/-
Asst.Registrar(CSIV)

/true copy/

Sub Asst. Registrar

To:

- 1.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
- 2.The Principal Sessions Judge,
Dharmapuri
- 3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.A.Ilaya Perumal Advocate sr.46044

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