

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.23089 of 2015

H.P.Prasanth

... Petitioner

Vs

State rep by
Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to modify the conditional order in Crl.MP.No.1617 of 2015 dated 04.09.2015 on the file of the Principal Sessions Court, Dharmapuri.

For Petitioner : Mr.M.Palanivel
For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to modify the conditional order dated 04.09.2015 passed by the learned Principal Sessions Judge, Dharmapuri in Crl.MP.No.1617 of 2015.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor for the respondent and perused the materials placed on record.

3. It is seen that this petitioner is an accused in Crime No.345 of 2009 under Section 406, 420 IPC. Inasmuch as the allegation in the complaint is that, this petitioner had taken the de facto complainant's vehicle and had neither returned the vehicle nor a sum of Rs.2,90,000/- that was due. When this petitioner filed an application for anticipatory bail in CMP.No.1617 of 2015, the learned Principal District and Sessions Judge, Dharmapuri, by order dated 04.09.2015, granted anticipatory bail on condition that the petitioner shall deposit a sum of Rs.1lakh into the Court within 10 days from 04.09.2015. Challenging the aforesaid condition, the petitioner/accused is before this Court.

4. Learned counsel for the petitioner submits that, the petitioner does not have the means to deposit the amount and that the vehicle has also been recovered.

5. Be that as it may, it is seen that the FIR in this case was registered in the year 2009 and since then, the de facto complainant must have been running from pillar to post for recovering his vehicle and money. Therefore, the condition imposed by the Sessions Court for granting anticipatory bail cannot be said to be onerous.

6. However, taking into consideration the financial capacity of the petitioner, this Court is of the view that, it will serve the interest of justice, if the petitioner is directed to deposit Rs.75,000/- within two weeks, from the date of receipt of a copy of this order to the credit of Crime No.345 of 2009 before the learned Judicial Magistrate, Pennagaram. On such deposit, the learned Judicial Magistrate, Pennagaram is directed to redeposit the amount in a fixed deposit account in any nationalized bank, so that the amount accrues interest.

7. As regards the condition directing the petitioner to appear before the respondent police everyday at 10a.m., learned Additional Public Prosecutor submits that, investigation has been completed and Final Report has been filed before the learned Judicial Magistrate, Pennagaram in CC.No.19 of 2015. Hence, the aforesaid condition is relaxed.

8. Rest of the conditions shall remain the same, except the modification of the amount as stated above. Two weeks time is extended from the date of receipt of a copy of this order for surrendering before the learned Judicial Magistrate, Pennagaram and for furnishing sureties, as directed in the order of the Sessions Court.

With the above direction, this petition is closed.

gya

-s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Principal District and Sessions Judge,
Dharmapuri.

2.The Judicial Magistrate,
Pennagaram.

3.The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Palanivel, Advocate SR 50408

sr(co)
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