

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2015

CORAM:

THE HON'BLE MR.JUSTICE P.DEVADASS

Crl.O.P.No.2590 of 2015

Manikandan

... Petitioner

Vs.

The State by the
Station House Officer,
Roshanai Police Station,
Tindivanam,
Villupuram District.
(Crime No.455/2014)

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to modify the first condition imposed by the Principal Sessions Judge, Villupuram, in his order in Crl.M.P.No.83 of 2015 dated 28.01.2015 that 1)on his depositing a sum of Rs.25,000/- as cash security before the lower court.

For Petitioner : M/s.S.Anburaja
For Respondent : Mr.Mohamed Riyaz
Government Advocate (Crl. Side)

ORDER

Petition for modification.

2.There are two accused in this case. Petitioner is A2. They were alleged to have caused damage to property in a tea shop. The learned Principal Sessions Judge, Villupuram granted him bail. However, imposed certain conditions.

3.Petitioner is happy with the bail order. But not so as the portion directing him to deposit Rs.25,000/- as security.

4.Legally speaking, there cannot be cash surety and personal surety simultaneously. Either one can alone can be directed.

5.But the matter has to be looked from another angle.

6.The petitioner and the other accused were alleged to have caused damage in a tea shop. It is alleged that it is to the tune of Rs.50,000/-.

7.Learned counsel for the petitioner submitted that it is only a tea stall, biscuit bottles alone were damaged and it is exaggerated and an inflated figure has been given.

8.In the facts and circumstances, intervention of this Court is called for.

9.In the circumstances, in the bail order of the learned Principal Sessions Judge, Villupuram in CrI.M.P.No.83 of 2015 dated 28.01.2015 the portion directing the petitioner to deposit cash security of Rs.25,000/- is deleted instead he is directed to deposit Rs.3,000/- towards damage to the credit of the crime number. The other conditions are maintained.

10.This Criminal original petition is accordingly disposed of.

-s/d-

Assistant Registrar(CSII)

Dated:11/2/2015

True Copy

Sub-Assistant Registrar

pri

To

1.The Station House Officer,
Roshanai Police Station,
Tindivanam,
Villupuram District.

2.The Principal Sessions Judge, Villupuram.

3.The Public Prosecutor, High Court, Madras.

+2 cc to Mr.S.Anburaja, counsel for the Petitioner sr.6919 &2139
CrI.O.P.No.2590 of 2015

aa11/2/2015