

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM:

THE HON'BLE MR.JUSTICE P.DEVADASS

Crl.O.P. No.3783 of 2015

Krishnakumar

.. Petitioner/Accused

Vs.

The State,Rep. By
The Inspector of Police,
Guduvancherry Police Station,
Kancheepuram, Kancheepuram District.
(Crime No.120 of 2014)

.. Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition No.1 in the order in C.M.P.No.320 of 2015, dated 02.02.2015 on the file of the learned Judicial Magistrate No.II, Chengalpattu.

For Petitioner : Mr.J.Samiullah

For Respondent : Mr.M.Mohamed Riyas
Govt. Advocate (Crl.side)

O R D E R

Petition seeking modification of certain portion of the bail condition imposed in C.M.P.No.320 of 2015 by the learned Judicial Magistrate No.II, Chengalpattu, on 02.02.2015.

2. Petitioner and the defacto complainant are spouses. Difference of opinion arose between them. They got separated. It appears from the records that the petitioner has to return 18 1/2 sovereign of jewels and also Rs.60,000/-. It also appears that the petitioner left his wife/defacto complainant. They are having a child also. In this connection, the petitioner has been detained in jail as a remand prisoner. On 02.02.2015, he was granted bail by the learned Magistrate. Learned Magistrate directed production of two sureties who shall execute a bond for Rs.10,000/- each and he has directed to deposit Rs.5 lakhs.

3. Learned counsel for the petitioner submitted that the petitioner is a poor man. He is an auto mechanic. The condition to deposit is harsh. The learned Magistrate while considering the plea of the petitioner also taken note of the plight of the victim, who is a lady, who has been abandoned by the petitioner (her husband) along with her child.

4. By way of compensation, the Court has directed the petitioner to deposit a sum of Rs.5,00,000/-. As on date the matrimonial obligations between both is in force. Legally and morally the petitioner is bound to maintain his wife and child. The miss leis suffering of the victims also should be considered. In the circumstances, we are not to disturb the order of the learned Magistrate.

5. In the circumstances, we are not to modify or reduce the directed to deposit Rs.5 lakhs. Out of the said Rs.5 Lakhs, Rs.3 lakhs shall be deposited in the name of the defacto complainant and Rs.2 Lakhs shall be deposited in the name of the child in a Nationalised Bank. The defacto complainant will be permitted to withdraw the accrued monthly interest on both the deposits. The entitlement as to the deposited amount shall abide by the result of the Calender Case if it becomes a case.

6. With the above modification, this Criminal Original Petition is disposed of. No costs.

s/d-
Assistant Registrar(CS-III)
Dt:5/3/2015

True Copy

Sub-Assistant Registrar

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P.DEVADASS, J.,

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To

1. The Judicial Magistrate No.II, Chengalpattu.
2. The Inspector of Police,
Guduvancherry Police Station,
Kancheepuram, Kancheepuram District.

3. The Public prosecutor, High Court, Madras.

+ 1 cc to Mr.J.Samiullah Advocate SR 8686.

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