

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH
Crl.O.P. No.7515 of 2015

Diviyasarathy

.. Petitioner

Vs.

State by,
The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
Crime No.1239 of 2014

.. Respondent

Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C., to modify the condition imposed in bail petition in Crl.M.P.No.785 of 2015 dated 10.03.2015 by the learned Judicial Magistrate No.II, Kancheepuram.

For Petitioner : Mr.G.Anabayachozhan

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

O R D E R

The applicant who is a Panchayat Union Clerk has moved bail before the Judicial Magistrate No.II, Kancheepuram for the alleged offence u/s.409, 465, 468, 471 r/w.109 of IPC.

2. At the time of granting bail, the Judicial Magistrate No.II, Kancheepuram, has imposed the conditions directing the petitioner to deposit a sum of Rs.5,00,000/- before the Judicial Magistrate and to execute a bond for a sum of Rs.50,000/- with two sureties each for the likesum. The learned counsel for the petitioner filed the present application to modify the said condition imposed by the learned Judicial Magistrate No.II, Kancheepuram.

4. The learned counsel for the petitioner submitted that the first and second accused have already deposited a sum of Rs.11,00,000/- and he further submitted that the District Collector, Kanchipuram, in his proceedings , dated 10.11.2014, has stated that

the petitioner was suspended from service for assisting the first and second accused in misappropriating a sum of Rs.17,62,360/-. By relying upon the said proceedings of the District Collector, the learned counsel for the petitioner submitted that the petitioner has not misappropriated any amount.

6. Considering the facts and circumstances of the case, I am of the opinion that since the condition imposed on the petitioner seems so stringent, the same could be modified.

7. Accordingly, the condition imposed on the petitioner by the learned Judicial Magistrate No.II, Kancheepuram in CrI.M.P.No.785/2015 dt.10.03.2015, that "the petitioner should deposit a sum of Rs.5,00,000/- before the Judicial Magistrate and execute a bond for Rs.50,000/- with two sureties each for the likesum" is modified to the effect that "the petitioner is directed to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.II, Kancheepuram."

8. All the other conditions imposed in the order passed in Cr.M.P.No.785 of 2015 dated 10.03.2015, remain unaltered.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi/vrc

To

1. The Judicial Magistrate No.II, Kancheepuram
- 2.-do- Thro the CJM, Kancheepuram.
3. The Public Prosecutor, High Court, Chennai.

1 cc to Mr.G.Anabayachozhan ,Advocate, SR.No.5762

CRL. O.P. NO.7515 OF 2015

ts(co)

pmk.8.4.2015