



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2015

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE V.M.VELUMANI

Crl.O.P. (MD) Nos.18846 and 18847 of 2015

1. Prabakaran
2. Vellaiammal
3. Anandraj
4. Senthil Kumar @ Kumar
5. Prasanth
6. Ajith Kumar
7. Ariram Sait

... Petitioners in Crl.O.P. (MD).No.18846 of 2015

1. Surendran
2. Mahesh
3. Ganesan

... Petitioners in Crl.O.P. (MD).No.18847 of 2015

Vs.

The State represented by
the Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

(Crime No.247 of 2014) .. Respondent in both Crl.O.Ps.

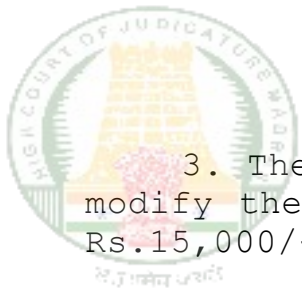
PRAYER: Criminal Original Petitions are filed under Section 439 (1) (b) of the Code of Criminal Procedure, praying to relax the condition imposed in the anticipatory bail order dated 04.02.2015 in Cr.M.P.No.475 and 550 of 2015 on the file of Principal Sessions Court, Tirunelveli directing the petitioners to deposit of Rs.15,000/- each.

For Petitioners : Mr.Thangamani
For Respondent : Mr.K.Anbarasan
Govt. Advocate (Crl.side)

C O M M O N O R D E R

These Criminal Original Petitions are filed for relaxing the condition imposed by the Principal Sessions Court, Tirunelveli in Cr.M.P.No.475 and 550 of 2015 dated 04.02.1015, directing the petitioners to deposit a sum of Rs.15,000/- each.

2. The petitioners are charged for the offence under Section 447 of I.P.C., and Section 3 of TNPPDL Act. The learned Principal Sessions Judge, Tirunelveli, by the order dated 04.02.2015, granted bail to the petitioners. In addition to directing the petitioners to execute a bond for Rs.10,000/- each and also directed the petitioners to deposit a sum of Rs.15,000/- each.



3. The petitioners have come out with the present petition to modify the condition imposed directing the petitioners to deposit Rs.15,000/- each.

4. He relied on a judgment reported in 2002 (2) CTC 63 (Amarjit Singh v. State of NCT of Delhi) and in paragraph No.4, it is stated as follows:

"5. Having regard to the facts and circumstances of the present case, we have no hesitation in coming to the conclusion that the imposition of condition to deposit the sum of Rs.15 lacs in the form of for in the trial Court is an unreasonable condition and, therefore, we set aside the condition as a condition precedent for granting anticipatory bail to the accused/appellant. We accordingly allow this appeal and set aside the condition imposed by the learned additional Sessions Judge to deposit the sum of Rs.15 lacs in the form of for in the trial Court, and on the other hand direct that on executing a bond to the tune of Rs.25,000/- with two solvent sureties to the satisfaction of the concerned Magistrate, and further that the accused shall make himself available for interrogation whenever is required and the accused should surrender his passport immediately to the concerned Magistrate where the matter is pending and would not leave this country without appropriate permission from the Court, he would be entitled to the order granting him anticipatory bail."

5. The learned counsel for the petitioners submitted that in view of judgment, condition imposed directing the petitioners to deposit Rs.15,000/- each may be set aside.

6. From the materials on record, it is seen that the petitioners and others have damaged plantain tree of de-facto complainant and caused loss to the tune of Rs.5,00,000/-. Therefore, the conditions imposed by the learned Principal Sessions Judge, Tirunelveli is not onerous and there is no reason to set aside the condition imposed by the Principal Sessions Judge, Tirunelveli in Cr.M.P.No.475 and 550 of 2015 dated 04.02.1015, by this Court.

7. In the result, the Criminal Original Petitions are dismissed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/



1. The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3. The Principal Sessions Judge,
Thirunelveli

GJM/SKS/RR/17.12.2015-3P-4C

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