



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2015

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

CRL.O.P.(MD)No.6691 of 2015

M.Sheik Meeran

.. Petitioner/Sole Accused

.. Vs ..

P.Aravindan

.. Respondent/Complainant

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to modify the condition imposed upon the petitioner by the Judicial Magistrate, Melur in Cr.M.P.No.1389 of 2015 in S.T.C.No.489 of 2013, dated 06.04.2015 insofar directing the petitioner to produce a deposit receipt of Rs.1,00,000/- in any of bank.

For Petitioner : Mr.T.Lenin Kumar

O R D E R

This petition has been filed by the petitioner to modify the condition imposed upon the petitioner by the learned Judicial Magistrate, Melur in Cr.M.P.No.1389 of 2015 in S.T.C.No.489 of 2013, dated 06.04.2015 directing the petitioner to produce a deposit receipt for Rs.1,00,000/-.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. Perusal of the records would show that in the proceedings initiated under Section 138 of Negotiable Instruments Act, the petitioner was arrested in pursuant to the Non-Bailable Warrant issued against him. For recalling of Non-Bailable Warrant, a condition was imposed by the Court below to deposit a sum of Rs.1,00,000/-. Challenging the same, the present petition has been filed.

4.This Court is of the view that the offence itself is bailable in nature. Further Non-Bailable Warrant is issued only to secure the presence of the petitioner for the purpose of conducting the case. Since the petitioner is unable to comply with the condition imposed, now he is in judicial custody. The condition appears to be onerous one.

5. Accordingly, this Criminal Original Petition is allowed and the condition imposed to deposit a sum of Rs.1,00,000/- vide order dated 06.04.2015 passed in Cr.M.P.No.1389 of 2015 in S.T.C.No.489 of 2013 by the learned Judicial Magistrate, Melur, is deleted and the other conditions imposed remain unaltered.

Sd/-

Assistant Registrar(AS)



1.The Judicial Magistrate,
Melur.

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

+1cc to MR.T.LENIN KUMAR,ADVOCATE IN SR NO. 20929

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rg.23.04.2015 2p/4c. I.T.