

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.12794 of 2016

R.Rajaram ... Petitioner

Vs

The State Rep by
The Inspector of Police,
Thudiyalur Police Station,
(Crime No.399 of 2016) ... Respondent

Prayer:- Criminal Original Petition filed under Section 439 (1) (B) of the Code of Criminal Procedure to modify the conditions (i & iii) imposed by the vacation sessions judge of Magalir Needhimandram, Coimbatore in CrI.MP.No.1269 of 2016 dated 26.05.2016 in respect of this petitioner.

For Petitioner :Mr.S.Manoharan

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the conditions (i & iii) imposed by the learned vacation sessions judge of Magalir Needhimandram, Coimbatore in CrI.MP.No.1269 of 2016 dated 26.05.2016 in respect of this petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the Respondent.

3. It is seen that the petitioner was arrested by the respondent police for an offence under Section 436 IPC for having allegedly burnt the goods and godown valued at Rs.5,00,000/-. The petitioner was granted bail by the Magalir Neethimandram, Coimbatore in CrI.M.P.No.1269 of 2016 on 26.05.2016 on condition that he shall deposit a sum of Rs.1,00,000/- before the learned Judicial Magistrate concerned.

4. The learned Additional Public prosecutor submitted
<https://hcservices.ecourts.gov.in/hcservices/>

that since the petitioner is a poor person, he is not in a position to deposit the sum of Rs.1,00,000/-.

5. Taking into consideration the nature of the allegation in the FIR and status of the petitioner, this Court is of the view that it will serve the interest of justice, if the deposit amount of Rs.1,00,000/- is reduced to Rs.25,000/-. Accordingly, condition No.(iii), in the bail order dated 26.05.2016 in CrI.M.P.No.1269 of 2016 passed by the Vacation Sessions Judge, Coimbatore is modified as follows:

(i) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) instead of Rs.1,00,000/- before the learned Judicial Magistrate concerned. On such deposit, the concerned learned Judicial Magistrate is directed to reinvest the same in fixed deposit, so that, it would accrue interest and on completion of the trial, the amount can be disbursed either to the defacto complainant or to the petitioner, as the case may be.

A copy of the deposit receipt shall be furnished to the respondent police and the petitioner.

The criminal original petition is ordered as stated above.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Inspector of Police,
Thudiyalur Police Station.
2. The vacation sessions judge
of Magalir Needhimandram, Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

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