

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.12944 of 2016

Rajendiran

...

Petitioner

Vs

The State Rep by
The Inspector of Police,
District Crime Branch,
Perambalur.
Perambalur District.
(Crime No.5 of 2016)

...

Respondent

Prayer:- Criminal Original Petition filed under Section 439 (1) (B) of the Code of Criminal Procedure to relax the condition imposed order dated 20.05.2016 in Crl.MP.No.388 of 2016 on the file of the learned Sessions Judge, Perambalur and release the petitioner on Bail, in connection with the Crime No.5 of 2016 dated 16.03.2016 on the file of the Inspector of Police, District Crime Branch, Perambalur.

For Petitioner :Mr.Prakash

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to relax the condition imposed by order dated 20.05.2016 in Crl.MP.No.388 of 2016 on the file of the learned Sessions Judge, Perambalur and release the petitioner on Bail, in connection with the Crime No.5 of 2016 dated 16.03.2016 on the file of the Inspector of Police, District Crime Branch, Perambalur.

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 is a President of Konareipalayam Panchayat, where, certain amounts were defalcated, on account of which, the respondent police registered a case in Crime No.5 of 2016 for offences under

Sections 406, 409, 420, 477(A) r/w 34 IPC against this petitioner and others.

4. The petitioner was arrested and released on bail in Crl.MP.No.349 of 2016 on 04.05.2016 on condition that he shall deposit a sum of Rs.2,50,000/- before the learned Judicial Magistrate, Perambalur. Aggrieved by the said order, the petitioner filed a petition in Crl.MP.No.388 of 2016 for modification before the learned Principal District & Sessions Judge, Perambalur and the bail order was modified to the effect that the petitioner shall deposit a sum of Rs.2,00,000/- instead of Rs.2,50,000/-. Not satisfied with the said modification, the petitioner is before this Court.

5. The learned counsel appearing for the petitioner would submit that the allegation in the FIR itself is that the petitioner had defalcated a sum of Rs.23,184/- only, for which, he cannot be mulcted with liability to pay Rs.2,00,000/-. That apart, he also further submitted that the co-accused, by name Ayyakkannu, has been granted anticipatory bail in Crl.O.P.No.6192 of 2016 on 20.05.2016 by this Court, without any conditions.

6. In the considered opinion of this Court, the amount of Rs.23,184/- shown in the FIR is only on prima facie case and it is not known as to how much amount would be attributable to this petitioner after investigation. However, since the co-accused has been granted anticipatory bail without condition, this Court is of the view, that it will serve the interest of justice, if the sum of Rs.2,00,000/- is reduced to Rs.75,000/-. Accordingly, the condition No.8(a) in the order dated 20.05.2016 passed by the learned Principal District and Sessions Judge, Perambalur, in Crl.MP.No.388 of 2016 is modified as follows:

a. The petitioner shall deposit a sum of 75,000/- (Rupees Seventy Five Thousands only) without prejudice to his defence, with the Koneripalayam Panchayat, instead of depositing the amount with learned Judicial Magistrate, Perambalur. On such deposit, the petitioner is entitled to be released on bail in terms of the order dated 20.05.2016 passed in Crl.MP.No.388 of 2016. Rest of the conditions imposed in Crl.MP.No.388 of 2016 dated 20.05.2016 shall remain unaltered.

In the result, the criminal original petition is ordered.
sms

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
District Crime Branch,
Perambalur.
Perambalur District.

2. The learned Sessions Judge,
Perambalur.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.B.Balavijayan, Advocate SR 33852

vsn(co)
prk21/6

Crl.OP.No.12944 of 2016



WEB COPY