

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.13538 of 2016

A.David Selvaraj

.. Petitioner

Vs

The State rep by
The Station House Officer,
Elavarasankottai Police Station,
Ulundoorpet, Villupuram.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to modify the condition imposed in Crl.M.P.No.2188 of 2016 by the learned Principal Sessions Judge at Villupuram in Crime No.152 of 2016.

For Petitioner : Mr.V.Gunasekar
For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to modify the conditional order dated 25.04.2016 in Crl.M.P.No.2188 of 2016 passed by the learned Principal Sessions Judge, Villupuram.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. It is seen that this petitioner is an accused in Crime No.152 of 2016 for offences under Sections 294[b], 436 and 506 [ii] IPC and was granted bail in Crime No.2188 of 2016 on 25.04.2016 by the learned Principal Sessions Judge, Villupuram, on condition, that he should deposit a sum of Rs.50,000/- as cash security before the lower Court.

4. It is the case of the petitioner that though bail was granted as early as on 25.04.2016, the petitioner has not been able to mobilize the amount of Rs.50,000/- as ordered by the Sessions Court and therefore, he is in custody till date. The learned Principal Sessions Judge has imposed the aforesaid

condition, for the reason that the petitioner had set fire to the house of the de facto complainant, resulting in huge loss to a tune of Rs.1,00,000/-.

5. Though this Court does not find any infirmity in the condition imposed by the learned Sessions Judge, however, despite the bail order, the accused is not able to come out on bail. Hence, this Court is of the view, it will be in the interest of justice, if amount of Rs.50,000/- is reduced to Rs.10,000/-. The petitioner shall deposit a sum of Rs.10,000/- without prejudice to his defence before the learned Judicial Magistrate-I, Ulundurpet and on such deposit, the learned Magistrate is directed to disburse the same to the de facto complainant as ad interim compensation. Rest of the conditions imposed by the learned Sessions Judge in Crl.M.P.No.2188 of 2016 shall remain the same.

This petition for modification is ordered accordingly.
gva

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Principal Sessions Judge,
Villupuram.

2.The Judicial Magistrate-I,
Ulundurpet.

3.The Station House Officer,
Elavarasankottai Police Station,
Ulundurpet, Villupuram.

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.V.Gunasekar, Advocate SR 36391

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