

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.22501 of 2016

Sivakumar .. Petitioner/Accused

Vs

State Rep. by
The Inspector of Police,
PEW-Harur,
Dharmapuri District. ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. to modify the conditional order passed by the Principal District Judge at Dharmapuri in Crl.MP.No.1556 of 2016 dated 21.09.2016.

For Petitioner : Mr.C.C.Sivakumar
For Respondent : Mr.M.Mohamed Riyaz
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to modify the conditional order dated 21.09.2016 passed by the Principal District Judge at Dharmapuri in Crl.MP.No.1556 of 2016.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. It is seen that this petitioner was arrested in Crime No.897 of 2016 for various offences under Section 4(1)(a) r/w 4 (1-A) of Tamil Nadu Prohibition Act and remanded to custody. The learned Principal Sessions Judge, Dharmapuri has granted bail in Crl.M.P.No.1556 of 2016 on 21.09.2016 on condition that the petitioner shall deposit a sum of Rs.25,000/- into the Court .

4. The learned counsel for the petitioner submitted that the petitioner is a very poor person and that he is not able to raise the amount. It is further submitted that the petitioner

is not involved in any previous case.

5. In the considered opinion of this Court, the order passed by the learned Principal Sessions Judge, Dharmapuri cannot be said to be totally perverse. In this case the petitioner is said to be in possession of 5 litres of country made arrack.

6. Under such circumstances, this Court is of the view that it will be in the interest of justice, if the deposit amount of Rs.25,000/- is reduced to Rs.5,000/-. Rest of the conditions shall remain the same. In the event of the petitioner jumping bail, it is open to register a fresh case against him under Section 229-A of IPC.

With the above modification, this Criminal Original Petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ds

To

1.The Principal Sessions Judge,
Dharmapuri.

2.The Inspector of Police,
PEW-Harur,
Dharmapuri District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. C. Sivakumar, Advocate Sr.No.77120

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SCD (CO)

MD : 05/10/2016