

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.23355 of 2016

Mariappan

...Petitioner

Vs.

State rep. by

The Inspector of Police,

CSCID, Krishnagiri Police Station,

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to modify the condition imposed to deposit a sum of Rs.1,00,000/- in Crl.M.P.No.1620 of 2016 passed by the Principal Sessions Judge, Dharmapuri dated 23.09.2016.

For Petitioner : Mr.V.R.Annagandhi

For Respondent : Mr.C. Emalias  
Addl. Public Prosecutor

O R D E R

This criminal original petition has been filed to modify the condition imposed to deposit a sum of Rs.1,00,000/- in Crl.M.P.No.1620 of 2016 passed by the Principal Sessions Judge, Dharmapuri dated 23.09.2016.

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

3. The petitioner is facing trial in C.C.No.207 of 2014 before the Judicial Magistrate No.1, Dharmapuri for offence under Section 6(4) TNSC (RDSC) Order 1982 r/w Section 7(1) (a)(ii) of E.C. Act, 1955. The petitioner was shown as absconded accused and was issued non-bailable warrant by the trial Court. The accused filed Crl.MP.No.1620 of 2016 before the Principal Sessions Judge, Dharmapurai for anticipatory bail and the learned Judge granted the relief by order dated 23.09.2016 on certain conditions, one of which is that the petitioner should deposit a sum of Rs.1,00,000/- before the Judicial Magistrate No.1, Dharmapuri, challenging which the petitioner is before this Court.

4. Learned counsel appearing for the petitioner submitted that the petitioner's name was not found in the charge sheet.

5. In the considered opinion of this Court, the Principal Sessions Judge has used her best description while granting the relief of anticipatory bail and that should not be interfered with, by this Court easily. Hence, this Court cannot completely annul those conditions. However, this Court, in the interest of justice reduces the sum of Rs.1 lakh to Rs.50,000/-.

6. Accordingly, the order in Crl.MP.No.1620 of 2016 dated 23.09.2016 is modified to the effect that instead of Rs.1 lakh, the petitioner shall deposit a sum of Rs.50,000/- before the Judicial Magistrate No.1, Dharmapuri. The trial Court shall re-invest the deposited amount in Fixed Deposit in any Nationalised Bank and at the end of the trial, the trial Court may decide about the disposal of the deposit amount.

7. Two weeks time is extended for surrender from the date of receipt of a copy of this order.

8. Bail can be cancelled by the Trial Court following the judgment of the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

9. However, this Court imposes another condition that if the petitioner abscond after filing of the final report, it is open to the respondent police, to file a fresh FIR against them under Section 229-A IPC. Rest of the conditions shall remain the same.

With the above modifications, this petition is ordered.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

1. The Principal Sessions Judge, Dharmapuri.

2. The Inspector of Police,  
CSCID, Krishnagiri Police Station.

3. The Public Prosecutor, High Court, Madras.

1 cc to Mr.V.R.Annagandhi, Advocate, Sr. 60452

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