

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.12.2016
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P. No.26118 of 2016

Elumalai

... Petitioner

Vs

State rep. by the
Forest Range Officer,
Theerthamalai Forest Range,
Harur Forest Circle,
Dharmapuri District.

.... Respondent

Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. to modify the order passed by the Principal Sessions Judge, Dharmapuri, Dharmapuri District in Crl.M.P.No.1914 of 2016 dated 23.11.2016, as regular surety instead of to deposit Rs.1,00,000/- (Rupee One lakh) to the satisfaction of the Judicial Magistrate, Harur.

For Petitioner : Mr.E.Kannadasan
For Respondent : Mr.C.Emalias, APP

ORDER

The petitioner has come up with the present petition seeking modification of the order dated 23.11.2016 passed in Crl.M.P.No.1914 of 2016 by the learned Principal Sessions Judge, Dharmapuri, Dharmapuri District with respect to the deposit of surety of Rs.1,00,000/-.

2. The case of the petitioner is that he was arrested in connection with a case in P.R.O.No.06/2016 on the file of Theerthamalai Forest Range, Harur Forest Circle, for the alleged offences under Section 21(d) of the Tamil Nadu Forest Act 1988 and under Sections 2(16), 9, 50 and 51 of the Wild Life Protection Act 1972. By order dated 23.11.2016, the learned Principal Sessions Judge, Dharmapuri has granted bail to the petitioner on executing a bond for a sum of Rs.10,000/- along with two sureties each for a likesum and on condition to deposit a sum of Rs.1,00,000/- to the satisfaction of the Judicial Magistrate, Harur and thereafter, the petitioner shall appear and sign before the Judicial Magistrate, Harur daily at 10.00 am until further orders.

3. It is submitted by the learned counsel for the petitioner that the petitioner is regularly complying with the order of the lower court, except the deposit of surety amount. Since he is a coolie and has no source of income, he is unable to comply with the said condition. Therefore, he seeks modification of the order of the lower court.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Considering the facts and circumstances of the case and taking note of the inability of the petitioner, this Court is inclined to modify the order dated 23.11.2016 passed in CrI.MP.No.1914/2016 by the learned Principal Sessions Judge, Dharmapuri to the effect that the petitioner shall deposit a sum of Rs.50,000/- instead of Rs.1,00,000/- to the satisfaction of the Judicial Magistrate, Harur.

6. Accordingly, the criminal original petition is disposed of.

-Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The Principal Sessions Judge
Dharmapuri

2.The Judicial Magistrate Harur

3.-do- Thro The Chief Judicial Magistrate Harur

4.The Forest Range Officer
Theezhamalai Forest Range
Harur Forest Circle
Dharmapuri District

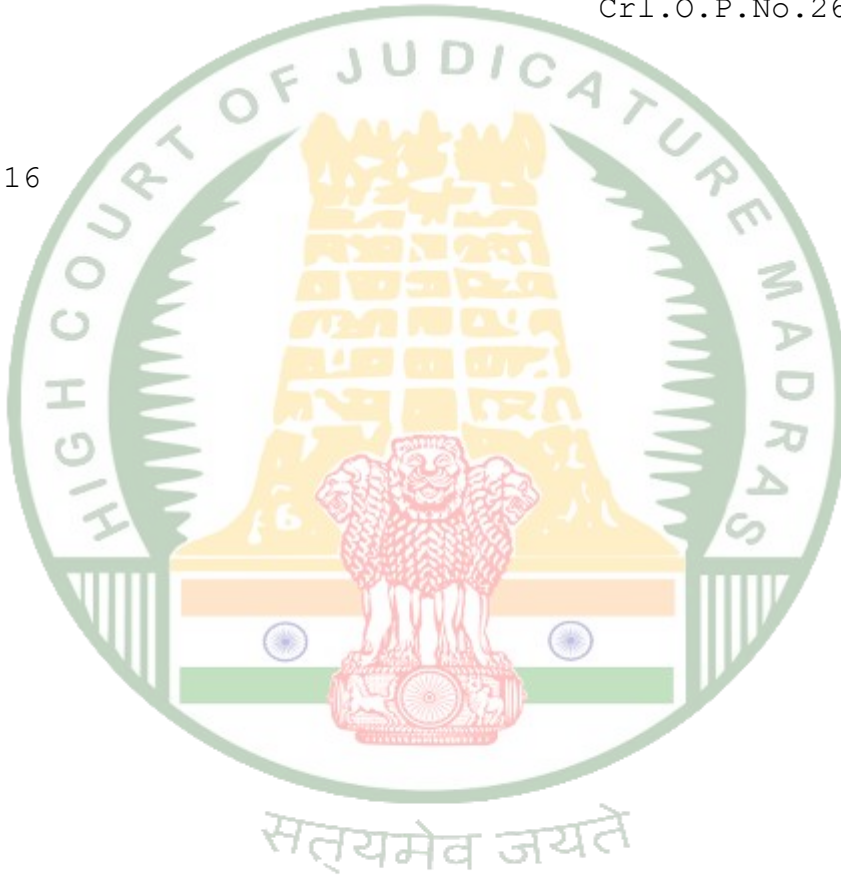
5. The Sub Jail, Harur

6.The Public Prosecutor High Court
Chennai

+1 cc to M/s.E.Kannadasan Advocate sr 71741

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