

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.27186 of 2016  
and Cr1.M.P.No.13767 of 2016

J.Srinivasan

... Petitioner

Vs

The State of Tamil Nadu, rep by  
The Inspector of Police,  
Gudiyatham Town Police Station.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition that the petitioner shall deposit a sum of Rs.10,000/- to the credit of Crime No.728 of 2015 immediately before the learned Judicial Magistrate, Gudiyatham and shall deposit the balance amount in two instalments i.e., Rs.20,000/- each on or before 15.11.2015 and the balance amount of Rs.20,000/- each on or before 15.12.2015 respectively, imposed by the learned Principal District and Sessions Judge, Vellore, in his order dated 28.10.2015 made in Cr1.M.P.No.4085 of 2015.

For Petitioner : Mr.S.Santhan

For respondent : Mr.C.Emalias,  
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed to modify the condition that the petitioner shall deposit a sum of Rs.10,000/- to the credit of Crime No.728 of 2015 immediately before the learned Judicial Magistrate, Gudiyatham and shall deposit the balance amount in two instalments i.e., Rs.20,000/- each on or before 15.11.2015 and the balance amount of Rs.20,000/- each on or before 15.12.2015 respectively, imposed by the learned Principal District and Sessions Judge, Vellore, in his order dated 28.10.2015 made in Cr1.M.P.No.4085 of 2015.

2. It is the case of the petitioner (A.1) that apprehending arrest at the hands of the respondent police, he has moved an anticipatory bail petition in Cr.M.P.No.4085 of 2015 along with one Gunasekaran (A.2) and Loganathan (A.3) before the learned Principal District and Sessions Judge, Vellore, and the learned Judge, by order dated 28.10.2015, granted anticipatory bail to the petitioner and the said Loganathan (A.3) on certain conditions. One of the conditions is that they shall deposit a sum of Rs.10,000/- each to the credit of Crime No.728 of 2015 immediately before the learned Judicial Magistrate, Gudiyatham and shall deposit the balance amount in two instalments i.e., Rs.20,000/- each on or before 15.11.2015 and the balance amount of Rs.20,000/- each on or before 15.12.2015 respectively. Since the petitioner is unable to mobilize the funds, he is not in a position to avail the benefit of the said order. Hence, seeking modification of the said order, the petitioner has come up with the present petition.

3. Learned Additional Public Prosecutor has no serious objection to modify the said condition imposed on the petitioner / A.1.

4. Considering the facts and circumstances of the case, this Court is inclined to modify the said condition in so far as the petitioner / A.1 is concerned. Accordingly, the condition imposed in Cr.M.P.No.4085 of 2015 dated 28.10.2015 viz., " the petitioners shall deposit a sum of Rs.10,000/- each to the credit of Crime No.728 of 2015 immediately before the learned Judicial Magistrate, Gudiyatham and shall deposit the balance amount in two instalments i.e., Rs.20,000/- each on or before 15.11.2015 and the balance amount of Rs.20,000/- each on or before 15.12.2015 respectively " is hereby modified in respect of this petitioner / A.1 as follows:-

" The petitioner / A.1 shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) within a period of two weeks from today, to the credit of Crime No.728 of 2015 before the learned Judicial Magistrate, Gudiyatham, and shall deposit the balance sum of Rs.20,000/- (Rupees twenty thousand only) within a period of two weeks thereafter. Further, the petitioner is granted two weeks time from today (23.12.2016) to surrender before the learned Magistrate. "

The other conditions shall remain unaltered. The criminal original petition is ordered accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Principal District and  
Sessions Judge, Vellore.

2.The Inspector of Police,  
Gudiyatham Town Police Station.

3.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Santhan, Advocate, S.R.No.75982

Cr1.O.P.No.27186 of 2016

KS (CO)  
CS (23/12/2016)



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