

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.2756 of 2016

Balaji

.. Petitioner

.. Vs ..

State Rep. by,
The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu,
Kancheepuram District.
Crime No.6 of 2016.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to modify the condition imposed on the petitioner in Crl.M.P.No.156 of 2016, dated 27.01.2016 by the learned Principal Sessions Judge, Chengalpattu, Kancheepuram District, while granting anticipatory bail that the petitioner has to deposit Rs.20,000/- in Crime No.6 of 2016.

For Petitioner : Mr.K.Elangovan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition for modification of the condition viz., that the petitioner has to deposit Rs.20,000/- to the credit of Crime No.6 of 2016, imposed on him in Crl.M.P.No.156 of 2016, dated 27.01.2016, by the learned Principal Sessions Judge, Chengalpattu, Kancheepuram District.

2. The learned counsel for the petitioner would submit that in respect of the case registered in Crime No.6 of 2016, for the offences under Sections 430 and 379 of I.P.C., the petitioner has moved a petition for anticipatory bail in Crl.M.P.No.156 of 2016 and while he was enlarged on anticipatory bail, he was directed by the learned Principal Sessions Judge, Chengalpattu, Kancheepuram District, to deposit a sum of Rs.20,000/- to the credit of Crime No.6 of 2016. The learned counsel for the petitioner further submitted that the petitioner is from poor

family and he is not in a position to mobilize the said amount of Rs.20,000/- and therefore, he prays that some leniency may be given to the petitioner.

3. At this juncture, the learned Additional Public Prosecutor would submit that the petitioner has committed theft of river sand at Palaru, in a mini lorry bearing Registration No.TN-59-J-7032, and he has possessed 1/4 unit of sand without any licence and the value of the sand is Rs.2,000/- and in respect of which, a case in Crime No.6 of 2016 for the offences under Sections 430 and 379 of I.P.C., has been registered against the driver and owner of the said mini lorry.

4. Considering the fact that the petitioner has committed theft of river sand and he has possessed 1/4 unit of sand in his mini lorry, this Court is of the view that it is appropriate to direct the petitioner to deposit the sand value of Rs.2,000/-.

5. Accordingly, the condition imposed on the petitioner by the learned Principal Sessions Judge, Chengalpattu, Kancheepuram District, in CrI.M.P.No.156 of 2016, dated 27.01.2016, directing him to deposit a sum of Rs.20,000/- in Crime No.6 of 2016 is modified as follows:-

"The petitioner is directed to deposit a sum of Rs.2,000/- to the credit of Crime No.6 of 2016 on the file of the respondent police."

6. It is made clear that the other conditions imposed by the learned Principal Sessions Judge, Chengalpattu, Kancheepuram District, remain unaltered.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jrl

To

1. The Principal Sessions Judge,
Chengalpattu, Kancheepuram District.

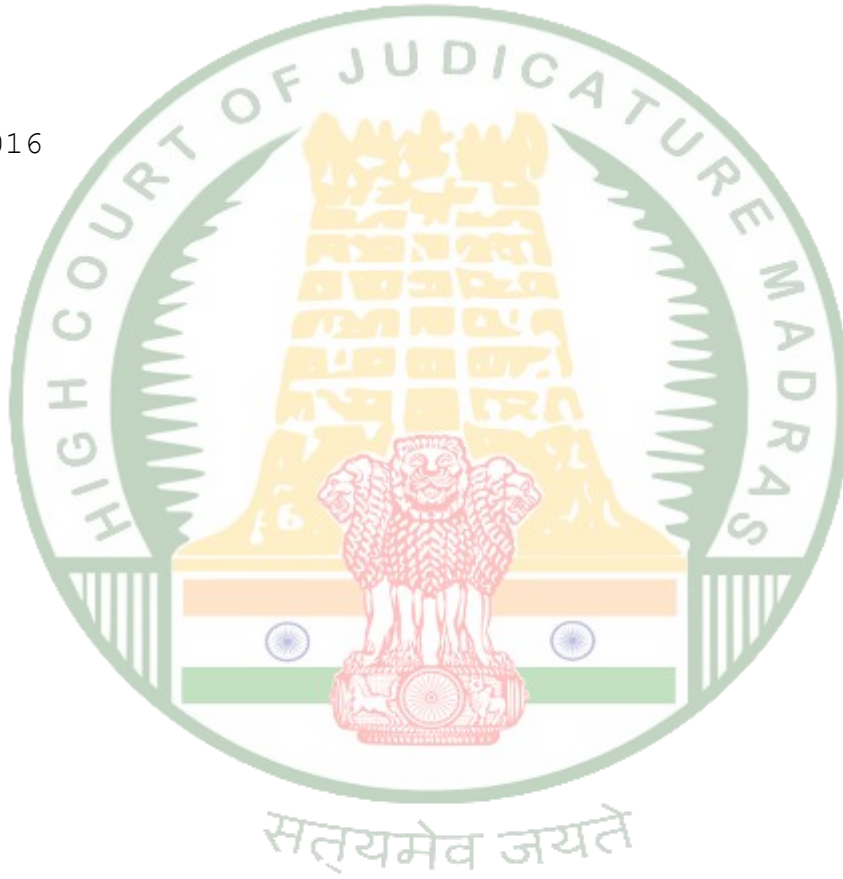
2. The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.Elangovan Advocate vide sr.8315

CRL.O.P.No.2756 of 2016

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