

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CRL.OP.No.9485 of 2017

Mr.Raji

..

Petitioner

Vs

The state by Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to modify the condition imposed in CMP.No.704 of 2017 in Crime No.619 of 2016 by the learned Principal Sessions Judge, Dharmapuri on 28.04.2017.

For Petitioner:Mr.P.Tamilavel

For Respondent:Mr.M.Mohammed Riyaz,
Government Advocate(Crl. Side)

O R D E R

This petition has been filed to modify the condition imposed on the petitioner in C.M.P.No.704 of 2017 in Crime No.619 of 2016 by the learned Principal Sessions Judge, Dharmapuri on 28.04.2017.

2. Heard the learned counsel for the petitioners; learned Government Advocate(Crl. Side) for the respondent and perused the materials placed on record.

3. It is seen that, in C.M.P.No.704 of 2017 in Crime No.619 of 2016, the learned Principal Sessions Judge, Dharmapuri, modified the condition and the enlarged the petitioner on bail, which reads as under:

"The petitioner seeking modification of the order in Crl.M.P.No.1708/2017 of the Judicial Magistrate, Palacode. There is no serious objection on the side of the prosecution. The Hon'ble High Court also modified the condition for the co-accused. Considering the above, this Court modify the condition imposed in Crl.M.P.No.1708/2017 of the Judicial Magistrate, Palacode only for the cash deposit of Rs.2,00,000/- is modified and the

petitioner shall deposit a sum of Rs.50,000/- to the satisfaction of the Judicial Magistrate, Palacode. There is no modification for the rest of the condition imposed by the Judicial Magistrate, Palacode in Crl.M.P.No.1708/2017, dated 06.04.2017."

4. Learned counsel for the petitioner submits that, the petitioner is very poor and not able to make his payment. Hence, there is a delay of 104 days in complying with the conditions.

5. In view of the petitioner's financial status, I am of the view that the condition to pay a cash deposit of Rs.50,000/- is not warranted in the present case. Accordingly, the order dated 28.04.2017, passed in Criminal Miscellaneous Petition No.704 of 2017 is modified to the effect that the petitioner need not make cash deposit of Rs.50,000/-.

6. With the above modification, this Criminal Original petition is allowed.

Sd/-
Asst.Registrar (V.O)

/true copy/

Sub Asst. Registrar

rm
To

- 1.The Principal Sessions Judge,
Dharmapuri.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Judicial Magistrate, Palacode.

+lcc to Mr.P.Tamilavel, Advocate sr.8801

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rj(co)
ss(16/5/2017)