

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.4749 of 2017

1.S.Srinivasan

2.Veeramani @ Sevathan

...Petitioners/Accused

Vs

The State represented by
The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri District.

... Respondent/Complainant

Criminal Original Petition filed under Section 439(1) (b) Cr.P.C. to set aside the order in Crl.MP.No.325 of 2017 dated 22.02.2017 passed by the Principal District and Sessions Judge, Dharmapuri and consequently modify the conditions imposed in the Crl.MP.No.1859 of 2016 dated 09.11.2016 on the file of the Principal District and Sessions Judge, Dharmapuri.

For Petitioners : Mr.N.Elumalai

For Respondent : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed to set aside the order dated 22.02.2017 passed by the learned Principal Sessions Judge, Dharmapuri in Crl.MP.No.325 of 2017 and consequently modify the conditions imposed in Crl.MP.No.1859 of 2016 dated 09.11.2016 by the learned Principal Sessions Judge, Dharmapuri.

2. According to the petitioners, they have been implicated as A1 and A3 in a case in Crime 592 of 2016 for the alleged offences punishable under Section 324 IPC r/w Section 3 of TNPP(D&L) Act, which were subsequently altered into for the offences under section 302 IPC r/w Section 3 of TNPP(D&L) Act. Pursuant to the same, all the accused were arrested and remanded to judicial custody on 21.09.2016. By order of this Court dated 04.11.2016 made in Crl.O.P.No.24249 of 2016, A2 was released on

bail. Based on the said order, the petitioners herein have filed a petition in CMP.No.1859 of 2016 before the learned Principal Sessions Judge, Dharmapuri, seeking bail, which was ordered on 09.11.2016, subject to certain conditions, one of which is to direct the petitioners to deposit a sum of Rs.2,00,000/- each to the credit of Crime No.592 of 2016 before the learned Judicial Magistrate No.I, Dharmapuri. Aggrieved over the same, the petitioners have filed a petition in CMP No.325 of 2017 seeking modification. By order dated 22.02.2017, the said petition was dismissed, for want of jurisdiction. Hence, this petition.

3. Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the case and they have not committed any offence as alleged by the prosecution. Learned counsel further submitted that the petitioners are agriculturists and they are earning below Rs.85,000/- per annum, as such, they are unable to comply with the bail conditions imposed by the lower court.

4. Heard the learned Additional Public Prosecutor, who took notice for the respondent.

5. Considering the facts and circumstances of the case and also taking note of the inability of the petitioners to deposit the amount as ordered by the lower court, this Court is inclined to modify the conditions imposed on the petitioners by the learned Principal Sessions Judge, Dharmapuri vide order dated 09.11.2016 passed in CMP.No.1859 of 2016.

6. Accordingly, this Criminal Original Petition is disposed of, by modifying the order dated 09.11.2016 passed by the learned Principal Sessions Judge, Dharmapuri in CMP. No.1859 of 2016 as follows:

"(1)The petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) each to the credit of Crime No.592 of 2016 before the learned Judicial Magistrate No.I, Dharmapuri.

(2)On such deposit, the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Dharmapuri; and

(3)The petitioners shall report before the court concerned daily at 10.30am until further orders.

The learned Judicial Magistrate No.I, Dharmapuri is directed to pay the amount of Rs.1,00,000/- (Rupees One lakh only) each deposited by the petitioners herein to the wife

of the deceased on proper identification viz.,
(Aadhar Card, Voter ID) by way of cheque."

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Principal District and Sessions Judge,
Dharmapuri.
 - 2.The Judicial Magistrate No.I,
Dharmapuri.
 - 3.-Do- thro the Chief Judicial Magistrate,
Dharmapuri.
 - 4.The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri District.
 - 5.The Public Prosecutor, High Court, Madras.
- +1cc to Mr.N. Elumalai, Advocate Sr. 14756

CrI.O.P.No.4749 of 2017

EV(CO)
VR(14/03/2017)



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