

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.2479 of 2017

Mayilsamy

... Petitioner

Vs

The State rep. by
the Inspector of Police (Crime),
PEW Harur Police Station,
Dharmapuri District.

.... Respondent

Petition filed under Section 482 of the Criminal Procedure Code, to modify the bail order passed in Crl.MP.No.2091 of 2016 dated 03.01.2017 by the Principal Sessions Judge, Dharmapuri against Crime No.1321 of 2016 dated 22.12.2016 pending on the file of the PEW Harur Police Station, Dharmapuri District.

For Petitioner : Mr.K.Poomalai

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the order dated 03.01.2017 by the Principal Sessions Judge, Dharmapuri in Crl.MP.No.2091 of 2016.

2. The case of the petitioner is he was implicated as accused in a case in Crime No.1321 of 2016 on the file of the respondent police for the alleged offences punishable under Sections 4(1)(a) r/w Section 4(1-A) of Tamil Nadu Prohibition Act. Pursuant to the same, he was arrested and remanded to judicial custody. Hence, he moved a petition in Crl.MP.No.2091/2016 before the learned Principal Sessions Judge, Dharmapuri, seeking bail. By order dated 03.1.2017, the learned Judge has granted bail to the petitioner, subject to certain conditions, one of which, is to deposit a sum of Rs.1,00,000/- by the petitioner to the satisfaction of the learned Judicial Magistrate, Harur. Aggrieved against the said condition, the present petition came to be filed.

3. Learned counsel for the petitioners submitted that the petitioner has been falsely implicated in the case and he has nothing to do with the alleged offence. Learned counsel further submitted that as the petitioner is doing agricultural work, he is unable to deposit such a huge amount. Therefore, learned counsel prayed for modification of the said order.

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 submission made by the learned counsel for the petitioner, this Court is inclined to modify the condition imposed by the learned Magistrate, with regard to deposit amount from Rs.1,00,000/- to Rs.50,000/- by the petitioner.

6. Accordingly, this Criminal Original Petition is disposed of, by modifying the order dated 03.01.2017 passed by the learned Principal Sessions Judge, Dharmapuri in Crl.MP.No.2091 of 2016, as follows:

"The petitioner is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- along with two sureties for the like sum and on condition to deposit a sum of Rs.50,000/- into the court to the satisfaction of the Judicial Magistrate, Harur and after release, the petitioner shall appear and sign before the respondent police daily once at 10.00 am until further orders".

Sd/-

Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Harur.

2.The Principal Sessions Judge,
Dharmapuri.

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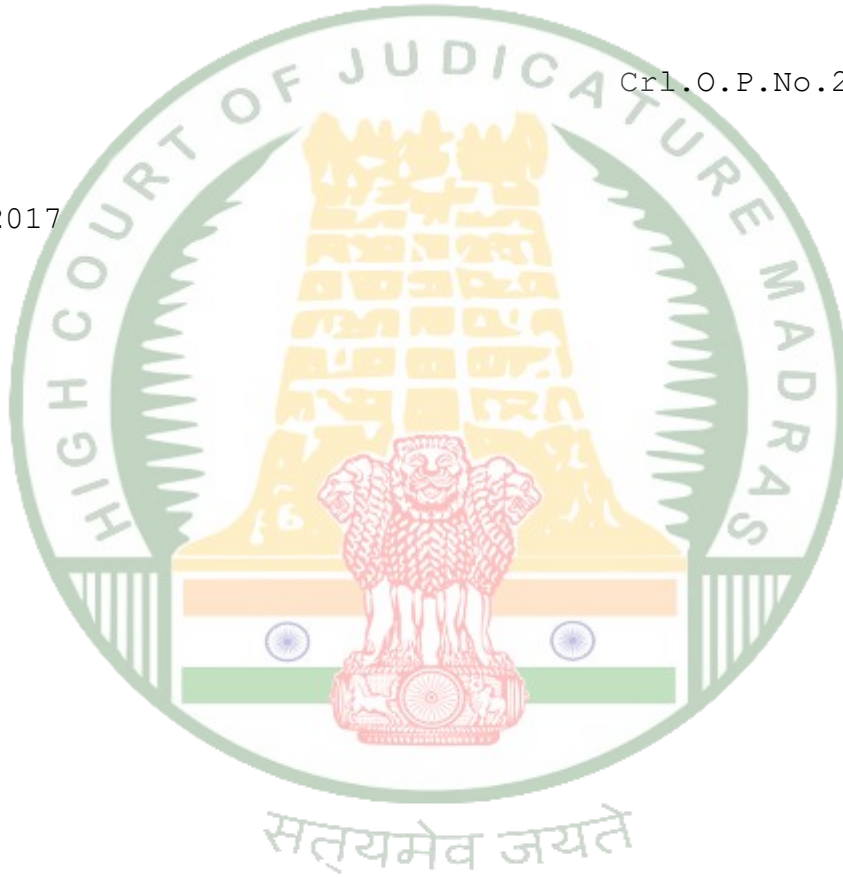
3.The Inspector of Police (Crime),
PEW Harur Police Station,
Dharmapuri District.

4.The Public Prosecutor,
Madras High Court, Chennai-600 104.

+1cc to Mr.K.Poomalai, Advocate Sr.8101

Cr1.O.P.No.2479 of 2017

pa[co]
srg 15/2/2017



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