

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.27083 of 2016

D.Devarajan ... Petitioner /Accused

Vs

The State, rep by
The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District. ... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed by the learned Judicial Magistrate No.II, Chidamaram, made in Crl.M.P.No.5048 of 2016 dated 8.11.2016 in Crime No.439 of 2016.

For Petitioner : Mr.R.John Sathyan

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

ORDER

The present criminal original petition has been filed to modify the condition imposed by the learned Judicial Magistrate No.II, Chidamaram, made in Crl.M.P.No.5048 of 2016 dated 8.11.2016 in Crime No.439 of 2016.

2. It is the case of the petitioner that seeking bail, he filed a petition in C.M.P.No.4916 of 2016 in Crime No.439 of 2016 before the learned Judicial Magistrate No.II, Chidambaram, and the learned Magistrate, by order dated 19.10.2016, granted bail to the petitioner on certain conditions. One of the conditions is that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties (one blood surety) each to a like sum. Seeking modification of the said condition, the petitioner filed a petition in C.M.P.No.5048 of 2016 in Crime No.439 of 2016, and the learned Magistrate, by order dated 8.11.2016, deleted the said condition viz., the petitioner shall produce one blood surety, however, directed the petitioner to deposit a sum of Rs.1,00,000/- in court account. Seeking modification of the said condition, the petitioner has come forward with the present petition.

3. Learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner on the allegation of job rocketing. He has further submitted that the petitioner has already remitted more than 75% of the amount alleged to have been misappropriated, which was not taken into consideration by the trial Court. Further, he has submitted that due to the arrest of the petitioner, his two daughters had committed suicide. Further, the petitioner is not in a position to deposit the amount of Rs.1,00,000/- as directed by the learned Magistrate. Thus, he sought for modification of the said condition.

4. I have heard the learned Additional Public Prosecutor, who has no serious objection to modify the said condition imposed on the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to permit the petitioner to execute a bond for a sum of Rs.1,00,000/- with three sureties, instead of deposit of a sum of Rs.1,00,000/-.

6. Accordingly, the condition imposed on the petitioner in C.M.P.No.4916 of 2016 in Crime No.439 of 2016 dated 19.10.2016 by the learned Judicial Magistrate No.II, Chidambaram, viz., " the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties (one blood surety) each to a like sum ", which was modified by order dated 8.11.2016 in C.M.P.No.5048 of 2016, is hereby modified as follows:-

" The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with three sureties each for a like sum "

The other conditions shall remain unaltered. The criminal original petition is ordered accordingly.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Judicial Magistrate No.II,
Chidambaram.

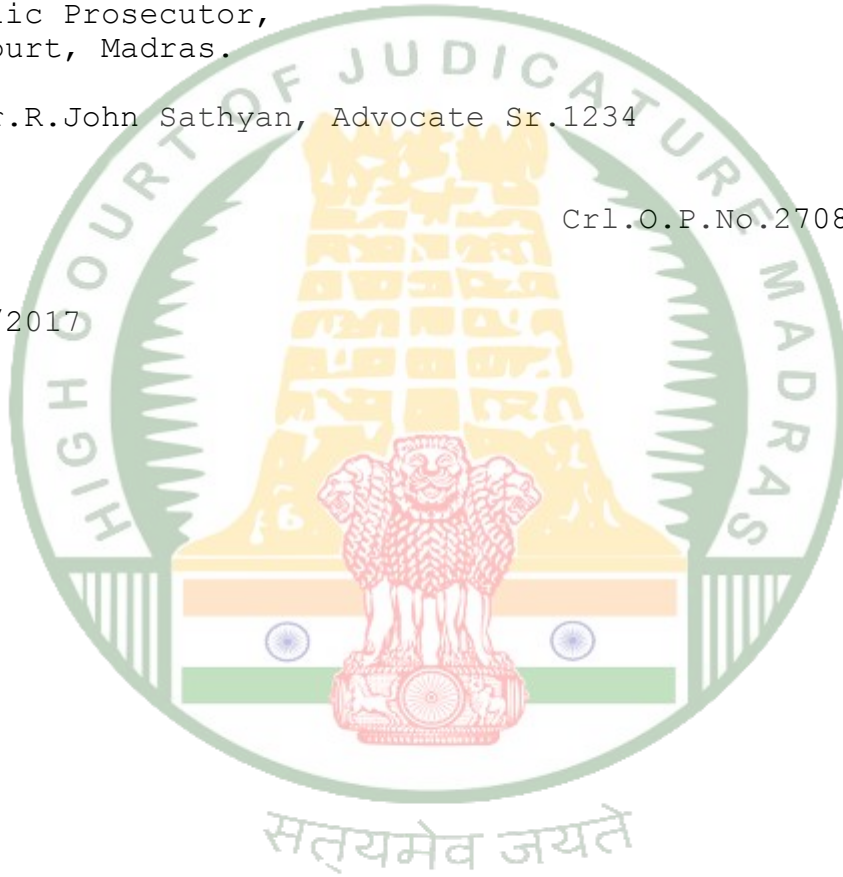
2.The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.John Sathyan, Advocate Sr.1234

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