

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2017

CORAM

THE HONOURABLE DR. JUSTICE P.DEVADASS

CRL.O.P. No.27735 OF 2016

1.Manjula
2.Murugesan

.. Petitioners

Versus

State by the Inspector of Police,
Rasipuram Police Station,
Rasipuram Taluk, Namakkal District. ... Respondent
(Crime No.897/16)

PRAYER : Criminal Original Petition filed under Section 439(1)
(b) of Code of Criminal Procedure, to modify the order dated
23.12.2016 by modifying the bail conditions, i.e. without
payment of cash security deposit and remain with the same passed
in C.M.P. No.1359/2016 on the file of the learned Principal
Sessions Judge, Namakkal.

For Petitioners: Mr.R.Thanjan

For Respondent : Mr.R.Sekar
Government Advocate (Crl. Side)

* * * * *
O R D E R

This is a petition to modify certain portion of Bail order
passed by the learned Principal Sessions Judge, Namakkal in
C.M.P. No.1359 of 2016 dated 23.12.2016.

2.Learned Judge while granting bail, directed the
petitioners to deposit Rs.1,00,000/- as security deposit before
the concerned Judicial Magistrate Court and also directed to
appear and sign before the police daily at 10.00 a.m.

3.Learned counsel for the petitioners contended that in the
facts and circumstances, the conditions are harsh and exorbitant
and the same does not call for and also not warrant.

4.Learned Government Advocate took me to the allegation in
the F.I.R.

5.I anxiously considered the rival submissions and perused the materials on record.

6.It is seen that there was dispute relating to the property and the entire family has been included in this case. When I read the F.I.R., the damages alleged are tiles and trunk box and the complainant's case is one he estimated Rs.3,00,000/- mechanically and the learned Judge accepted it.

7.The nature of allegation made as rightly submitted by the learned counsel for the petitioners, imposition of these conditions are not necessary and uncalled for. In the facts and circumstances, it is ordered as under:

(i)In the bail order dated 23.12.2016 passed by the learned Principal Sessions Judge, Namakkal in C.M.P. No.1359 of 2016, the condition relating to deposit of Rs.1,00,000/- as security deposit is deleted.

(ii)The condition that the petitioners should appear before the police daily at 10.00 a.m. is deleted.

8.Accordingly, this Criminal Original Petition is allowed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vga

To

1.The Principal Sessions Judge,
Namakkal

2.Inspector of Police,
Rasipuram Police Station,
Rasipuram Taluk, Namakkal District.

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

+1 cc to M/s.R.Thanjan Advocate sr 1744

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