

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THE HONOURABLE DR. JUSTICE S.VIMALA

SATURDAY, THE 27th DAY OF MAY 2017

Crl.O.P.No.10102 of 2017.

in

Crl.M.P.No.815 of 2017

1.Gopinath

2.Siva

...Petitioners/Accused.

Vs

Inspector of Police
Palakodu Police Station,
Dharmapuri District.
In Crime No.152/2017.

...Respondent/Complainant.

Prayer : This Petition has been filed seeking modification of order is passed by the Learned Vacation Sessions Judge, Dharmapuri dated 24.05.2017.

For Petitioners: M/s. V.Porkodi
S.Parthasarathy
S.Meenakshi

ORDER

The petitioners have been granted bail, in respect of offences u/s 147, 148, 448 IPC r/w section 3 of TNPPDL ACT 1992, registered by Palakodu Police Station, in Crime No.152 of 2017, by the Learned Vacation Sessions Judge, Dharmapuri, by the order dated 24.05.2017, in CRLM.P.No.815 of 2017.

While granting such bail the Learned Judge has imposed the condition that each petitioner should deposit a sum of Rs.10,000/- (apart from other usual condition) seeking modification of the same this petition has been filed.

It is mentioned in this application that the petitioners are persons employed in press I.e. Pudiya Jananayagam Magazine; as such they were in the place of occurrence only in the capacity as a Journalists for collection of news; the petitioners have no financial capacity to pay the amount; and hence the condition to deposit Rs.10,000/- is onerous and it has to be modified.

The occurrence of damage to Liquor Bottles is said to have taken place, where there was a protest against existence of TASMAC shop near Bus stand at Palakodu.

Considering the official position of the petitioners as a Journalists and their role in the scene of occurrence, the condition imposed directing each of the petitioner to deposit a sum of Rs.10,000/- is ordered to be cancelled. Other conditions remain valid.

Had the financial incapacity been brought to the notice of the Learned Vacation Sessions Judge, the said Court itself would have considered the request of not imposing any financial condition upon the petitioners: the order did not reflect that such a request has been made.

However having regard to the fundamental right of liberty being the prime issue, this Court is inclined to order modification of the condition as ordered supra.

If the petitioner seeks modification of any other conditions the petitioners have to approach the Court which imposed the conditions first and only on refusal they are expected to move this Court.

This petition, devoid of section and Act under which it is filed, is ordered accordingly.

27.05.2017

Index : Yes/No

To
Inspector of Police
Palakodu Police Station,
Dharmapuri District.

