



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

WEB COPY

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.(MD)No.17478 of 2017

1.Jafrullah
2.Nakris Banu
3.Mohamed Faruk
4.Jarina Begum

... Petitioners/Petitioners

Vs.

State Represented by the
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur.
(Crime No.429 of 2017)

... Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition imposed by the learned Principal District and Sessions Judge, Thanjavur, in Cr.M.P.No.3620 of 2017, by order, dated 04.12.2017 to deposit a sum of Rs.10,000/- each, before the learned Judicial Magistrate Court, Thiruvaiyaru.

For Petitioners : Mr.A.Sivasubramanian

For Respondent : Mr.K.Anbarasan

Government Advocate (Criminal side)

ORDER

The Criminal Original Petition has been filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition imposed on the petitioner by the learned Principal District and Sessions Judge, Thanjavur, in Cr.M.P.No.3620 of 2017, by order, dated 04.12.2017 to deposit a sum of Rs.10,000/- each, before the learned Judicial Magistrate Court, Thiruvaiyaru.

2.The petitioners arrayed as accused in Crime No.429 of 2017 for the offences punishable under Sections 294(b), 447, 427 and 506(ii) of I.P.C., on the file of the respondent police. Bail was granted in the said case by the learned Principal District and Sessions Judge, Thanjavur, by order, dated 04.12.2017, in Cr.M.P.No.3260 of 2017, with a direction to the petitioners to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each, to the file of the learned Judicial Magistrate, Thiruvaiyaru.



3. The learned counsel for the petitioners submitted that the allegation against the petitioners that they damaged the bathroom of the complainant's brother house, thereby caused damage to the worth of Rs.50,000/-. He further submitted that the allegation is totally a concocted story and the learned Sessions Judge had imposed an onerous condition against the petitioners. The petitioners have no financial capacity to deposit the said amount. Though bail was granted to them by order, dated 04.12.2017, the petitioners were not able to execute sureties and reap the benefit of the order and the same reveals the inability of the petitioners to deposit the said amount. If the said amount is not reduced to the petitioners, they have no other option, except to remain in custody till the completion of the criminal case and without the presence of the petitioners, their families will suffer for their livelihood. Hence, the petitioners seek reduction of cost imposed against them in the case.

7. Considering the above facts and circumstances of the case and also the inability of the petitioners herein in furnishing the sureties, I am inclined to reduce the cost imposed against the petitioners and accordingly, the condition already imposed on the petitioners is modified to the effect that the petitioners are directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) each, to the file of the learned Judicial Magistrate, Thiruvaiyaru, and the said Court is directed to accept the same. The other conditions remain unaltered. Hence, this petition is ordered.

sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

PJL

To

1.The Principal District and Sessions Judge, Thanjavur.

2.The Judicial Magistrate, Thiruvaiyaru.

3 The Inspector of Police, Thiruvaiyaru Police Station,
Thanjavur.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.A.Sivasubramanian, Advocate in SR.No.93960

GJM/CM/SAR-2-4.1.18-2P-6C