



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Seventh day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.6704 of 2017

VEERA @ VEERAVADIVEL

... PETITIONER/PETITIONER

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
MARUR POLICE STATION, THANJAVUR.
CRIME NO. 61/2015

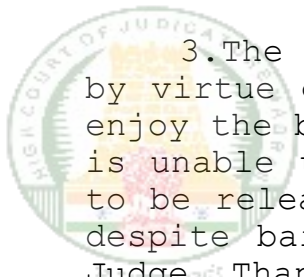
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition imposing cost on the petitioner to pay a sum Rs.10,000 into Taluk Legal Services Authority, Tiruvaiyaru by order dated 10/05/2017 in Crl.M.P.No. 1247 of 2017 on the file of Ist Additional District and Sessions Judge(PCR)/Vacation Sessions Judge, Thanjavur.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.SIVASUBRAMANIAN, Advocate for the petitioner and of MR.C.RAMACHANDRAN, Additional Public Prosecutor, on behalf of the Respondent the court made the following order:-

For non appearance on the date of hearing, non bailable warrant was issued against the petitioner by the Trial court and surety action was initiated, in that circumstances, the petitioner surrendered before the learned Judicial Magistrate Thiruvaiyaru to recall the warrant, issued in C.C.No.142 of 2013. The learned Judicial Magistrate had dismissed the petition to recall the warrant and remanded the petitioner to judicial custody and against the said order, the petitioner prepared Crl.MP.No.1247 of 2017, before the I Additional District and Sessions Court, Thanjavur, to reconsider the order passed by the Judicial Magistrate, Thiruvaiyaru.

2.The I Additional District and Sessions Judge, Thanjavur, after giving anxious consideration to the submissions made by the learned counsel for the petitioner and the learned Public Prosecutor, after perusing all the records, has granted bail holding that without cancellation of the bail, the accused, who was enjoyed the bail, was remanded to Judicial custody pursuant to the non bailable warrant issued for his non appearance. However, while granting the bail, the Court also imposed cost of Rs.10,000/- payable to Taluk Legal Service Authority, Thiruvaiyaru for the breach of bail condition.



3.The learned counsel appearing for the petitioner submits that by virtue of the cost imposed to the petitioner, he is not able to enjoy the bail order. The petitioner hails from poor society and he is unable to mobilise Rs.10,000/- to pay cost, imposed on condition to be released on bail. Therefore virtually, he is still in custody despite bail granted by the learned I Additional District Sessions Judge, Thanjavur due to the onerous condition imposed upon him. The very fact that the petitioner has preferred to be in jail, without paying the cost of Rs.10,000/- indicates that he is unable to mobilise money.

4.The learned Additional Public Prosecutor appearing for the respondent police has also submitted that the cost imposed may be reduced, whatever this Court deems fit and proper.

5.Considering the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor, this Court modify the condition by and reducing the cost amount to Rs.500/- payable to Taluk Legal Service Authority, Thiruvaiyaru on further condition that in future, the petitioner should attend the Court regularly without any leave or absence.

6.This petition is ordered with the above modification.

sd/-

07/06/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR) /VACATION SESSIONS JUDGE, THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
- 3 THE CHIEF JUDICIAL MAGISTRATE, KUMBAKONAM AT THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE, MARUR POLICE STATION, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE OFFICER INCHARGE,
THE TALUK LEGAL SERVICE AUTHORITY, THIRUVAIYARU.

+1. CC to M/S.A.SIVASUBRAMANIAN Advocate SR.No.23427
CSL/PM-PN/SAR-IV/09.06.2017 : 2P/8C

ORDER

IN

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Date : 07/06/2017