

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.09.2018
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Crl.O.P.No.21006 of 2018

Kalaivanan @ James .. Petitioner

Vs

State represented by
Inspector of Police
T-15, SRMC Police Station
Porur, Chennai 116. .. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on this petitioner by the Principal District and Sessions Judge, Thiruvallur, in Crl.M.P.No.4022 of 2018 dated 14.08.2018 that the petitioner should execute a bond for Rs.25,000/- with two sureties for a like sum and on condition to appear and sign before the concerned police daily at 10.00 a.m. until further orders and also directed to deposit Rs.2,00,000/- as agreed by the counsel for the petitioner towards damage before the said Magistrate and the amount to be deposited may be reduced and modified as Rs.25,000/-.

For Petitioner : Mr.B.Mohanraj
For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to modify the condition imposed on this petitioner by the Principal District and Sessions Judge, Thiruvallur, in Crl.M.P.No.4022 of 2018 dated 14.08.2018.

2. The petitioner was arrested on 07.08.2018 in Cr.No.468 of 2018 for the offences under Sections 147, 506(i) IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act. He has been released on bail by the Principal District and Sessions Judge, Tiruvallur in Crl.M.P.No.4022 of 2018 on 14.08.2018 on certain conditions, one of which, is that he should deposit Rs.2 lakhs as agreed to by the learned counsel for the petitioner. Therefore, the Sessions Court had directed the petitioner to deposit Rs.2 lakhs. While so, the petitioner is before this Court for modification of the said condition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not been able to raise Rs.2 lakhs and he is in incarceration since 07.08.2018 and therefore, the learned counsel for the petitioner pleaded for modification of the said order. The fact remains that the learned counsel for the petitioner had agreed to deposit Rs.2 lakhs and therefore, the Sessions Judge was right in imposing the said condition. It is alleged that this petitioner and others had entered into an unlawful assembly and had caused damage to the office premises of the de facto complainant. In cases of this nature, it cannot be said to be illegal for the Courts to impose such conditions. However, taking into consideration the fact that the petitioner is in incarceration from 07.08.2018, this Court reduces the amount of Rs.2 lakhs to Rs.1 lakh. The petitioner shall deposit Rs.1 lakh without prejudice to his defence and on such deposit, the same shall be disbursed to the de facto complainant as ad-interim

compensation. Rest of the conditions imposed by the Principal District and Sessions Judge, Tiruvallur shall remain the same.

Accordingly, this petition is ordered.

03.09.2018

gms

NOTE TO OFFICE: Issue order copy today (03.09.2018)

To

1.The Inspector of Police
T-15, SRMC Police Station
Porur, Chennai 116.

2.The Principal District and Sessions Judge,
Thiruvallur.

3.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.

gms

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