

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.23604 of 2018

Mugilan

.. Petitioner

Vs

The State Rep by
Station House Officer,
Reddychavadi Police Station,
Cuddalore.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the onerous condition imposed by the Judicial Magistrate II, Cuddalore in Crl.M.P.No.2729 of 2018 and confirmed by the Principal Sessions Court, Cuddalore, in Crl.M.P.No.4836 of 2018.

For Petitioner : Mr.K.Kannan

For Respondent : Ms.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

The petitioner is an accused in Crime No.232 of 2018 for the offences under Section 420 I.P.C and the allegations against the petitioner is that he had cheated one Nithiya of Rs.1,74,400/- and Tamizhselvi of Rs.1,68,000/- in a chit transaction. The petitioner was arrested on 08.09.2018. He was granted bail in Crl.M.P.No.2729 of 2018 on 18.09.2018 by the Judicial Magistrate No.II, Cuddalore on the following conditions:

"1.That the petitioner has to deposit Rs.2,00,000/- into this Court but the interveners has no right to withdraw it until completion of Trial.

2.The petitioner has to produce the original property document of him, the property situate at Thazhanguda.

3.To execute a bond for Rs.2,00,000/- (Rupees Two Lakhs Only) each with sureties and shall not

commit similar offenses, not tamper witness and directed to appear before this Court daily at 10.00 A.M. Until further order."

Challenging the said conditions, the petitioner filed CrI.M.P.No.4836 of 2018 before the Sessions Court, Cuddalore which was dismissed on 26.09.2018. Hence, the petitioner is before this Court.

2.Heard Mr.K.Kannan, learned counsel for the petitioner and Ms.M.Prabhavathi, learned Additional Public Prosecutor for the respondent.

3.The learned counsel for the petitioner submitted that the petitioner is the poor fisher man and that he had not conducted any chit transaction with the de-facto complainants, but however, there was some business transaction with regard to purchase and sale of fish which has been given criminal colour. He further contended that on account of his penury, he is not able to deposit the sum of Rs.2,00,000/- as directed by the Trial Court.

3.This Court gave its anxious consideration to the rival submissions of Mr.K.Kannan.

4.On a reading of the case diary, it is seen that Tamizhselvi and Nithiya are fisher women and they have stated that they had given their hard earned monies to the petitioner who was conducting a chit and the petitioner cheated them. Taking into consideration the entire facts and circumstances, this Court is of the view that the interest of justice will be served if the deposit amount is reduced from Rs.2,00,000/- to Rs.1,00,000/- (Rupees One Lakh only) and the bond amount be reduced from Rs.2,00,000/- to Rs.25,000/- (Rupees Twenty Five Thousand Only). Similarly, condition relating to submission of original property document stands deleted. The sum of Rs.1,00,000/- shall be deposited by the Magistrate in any nationalized Bank in Fixed Deposit so that the amount accrues interest. At the end of the prosecution, the amount can be disposed of either to the victims or to the accused depending upon the outcome.

With the above direction, this petition is ordered accordingly.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

To

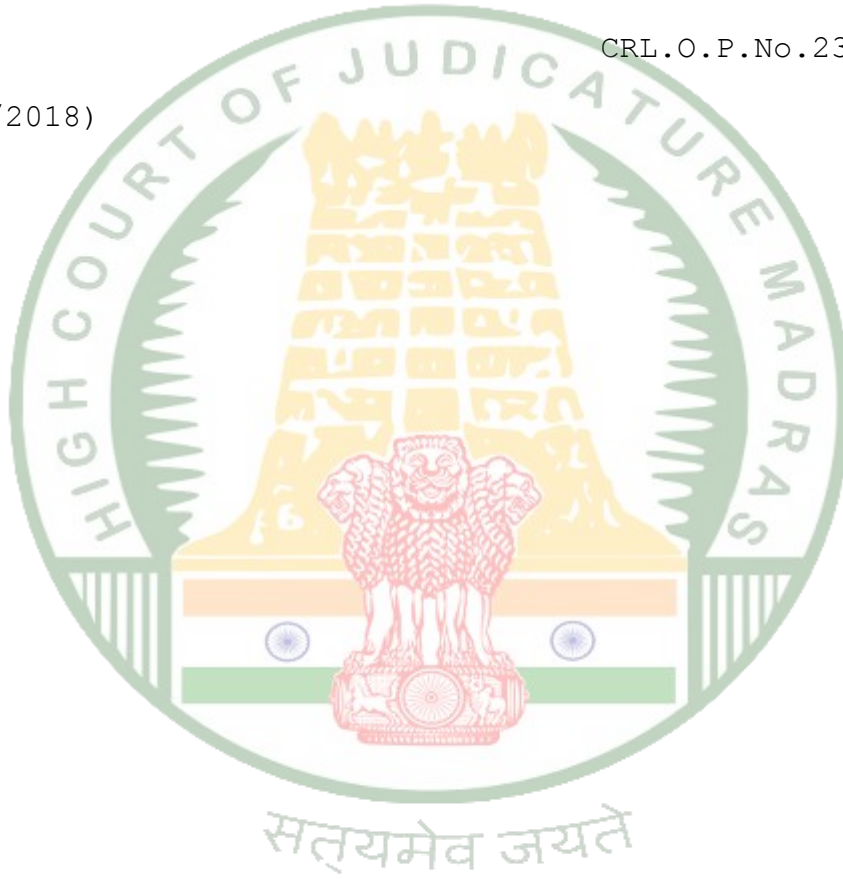
1.The Station House Officer,
The State of Tamil Nadu,
Reddychavadi Police Station,
Cuddalore.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Kannan, Advocate, S.R.No.68712

CRL.O.P.No.23604 of 2018

GSP(08/10/2018)



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