

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27466 of 2018

Alagu @ Thambidurai .. Petitioner/Accused No.1
Vs

The State Rep. by its
The Inspector of Police,
Mettur Police Station,
Mettur,
Salem District.
(Crime No.768 of 2015) ... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to set aside and modify the condition No.1 of the bail
order passed in Crl.M.P.No.357 of 2018 in S.C.No.167 of
2016 dated 12.11.2018 on the file of the court of the
Additional District (Fast Track) Court, Mettur, Salem
District.

For Petitioner : Mr.M.Senthilkumar
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the order
passed by the Court below, wherein, a condition was
imposed against the petitioner to make a cash deposit of
Rs.25,000/-, while considering the bail petition filed by
the petitioner.

2. The petitioner was arrested by the respondent
police in Crime No.768 of 2015 on 21.08.2018 on PT warrant
and he was remanded to judicial custody. The petitioner
filed a petition for bail before the Court below. The
Court below on perusal of the records found that the
petitioner did not appear before the Court on 24.07.2018
and therefore non bailable warrant was issued against him.
Subsequently proceedings were initiated under Section 446
of Cr.P.C., for forfeiture of surety and the bond amount
was also forfeited from the surety on 31.08.2018.

3. Thereafter, the petitioner was produced before the Court below on 21.08.2018 on a PT warrant and he was remanded to judicial custody and the petitioner is in custody in the present case from 21.08.2018.

4. While considering the bail petition, the Court below was inclined to release the petitioner on bail imposing certain conditions. The petitioner is aggrieved by the condition that he should deposit a sum of Rs.25,000/- before the Court as cash security.

5. The learned counsel for the petitioner would submit that the petitioner is a poor person and he is not in a position to deposit a sum of Rs.25,000/- before the Court below as cash security and as a result of the same, the petitioner is not able to come out on bail. Taking into consideration, the facts and circumstances of the case, this Court is inclined to modify the condition imposed by the Court below. The petitioner shall deposit a sum of Rs.10,000/- before the Court below as cash security instead of Rs.25,000/- imposed by the Court below. To that extent the order of the Court below shall stand modified. The other conditions imposed by the Court below shall stand as it is.

6. Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS v)
//True Copy//
Sub Assistant Registrar

To

1. The Additional District (Fast Track) Court, Mettur,
Salem District.
2. The Inspector of Police,
Mettur Police Station,
Mettur,
Salem District.
2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.27466 of 2018

ASK(29/11/2018)