



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

WEB COPY

CRL.O.P (MD) No.3277 of 2018

S.Maharaja

... Petitioner/Accused No.2

Vs.

The State represented by,
The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.
Crime No.31 of 2018.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439(1)(b) r/w. 482 of the Code of Criminal Procedure, to modify the order in Cr.M.P.(MD)No.1152 of 2017 in Crime No.31 of 2018, dated 21.02.2018, on the file of the Principal Sessions Court, Tirunelveli, insofar as the condition that "the petitioner has to deposit a sum of Rs.25,000/- under the head of Crime No.31 of 2018 of Pavoorchathiram Police Station and the said amount has to be kept in Crl.C.D., to be decided in trial".

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal Side)O R D E R

This petition has been filed by the petitioner to modify the specific condition imposed as "the petitioner has to deposit a cost of Rs.25,000/- under the head of Crime No.31 of 2018 of Pavoorchathiram Police Station and the said amount has to be kept in Crl.C.D., to be decided in trial" in Cr.M.P.(MD)No.1152 of 2017, dated 21.02.2018, on the file of the learned Principal Sessions Judge, Tirunelveli.

2. The case of the prosecution is that on 17.01.2018, due to previous enmity, the petitioner and other accused entered into the Car Show Room of the defacto complainant and set fire on the TATA SAFARI car and caused damage to the tune of Rs.3,00,000/-. Hence, the case has been registered for the alleged offences punishable under Sections 436 of IPC and Section 4 of TNPPDL Act, in Crime No.31 of 2018, on the file of the respondent police.

3. The learned counsel appearing for the petitioner would submit that the petitioner is enlarged on bail by the learned Principal Sessions Judge, Tirunelveli, in Cr.M.P.(MD)No.1152 of 2017, dated 21.02.2018. He would further submitted that the



petitioner is ready to abide all the conditions except the condition to deposit the cost of Rs.25,000/- and he is not able to comply the said condition alone. Hence, he prays to modify the said condition imposed by the Principal Sessions Court.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the State.

5. The submissions made by the learned counsels appearing for both side are considered. It is alleged that during the time of occurrence, due to previous enmity, the petitioner and other accused in this case set fire on the TATA SAFARI car belonged to the defacto complainant and caused damage to the tune of Rs.3,00,000/-. In the order passed by the Sessions Judge, Tirunelveli, bail was granted in favour of the petitioner with a condition to deposit Rs.25,000/- as cost, along with usual conditions. Now, the petitioner approached this Court to modify the said condition. It is admitted that during the time of occurrence, the property worth about Rs.3,00,000/- was damaged. So, the condition imposed as cost of Rs.25,000/- is reasonable. Hence, this Court is not inclined to modify the condition imposed by the Court below. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Tirunelveli.

2.The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

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

+1cc to M/S.I.Pinaygash, Advocate SR.No. 52537

CRL.O.P (MD) No.3277 of 2018

pjl

JM/SKN RSK/SAR 4/04.04.2018/2P/5C