



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P. (MD) No.17968 of 2017

M.Periyasamy

... Petitioner / Petitioner

Vs.

State Through,
The Sub-Inspector of Police,
Devadhanapatti Police Station,
Theni District.
(Crime No.561 of 2017)

... Respondent / Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition imposed by the learned Principal Sessions Judge, Theni, dated 08.12.2017, in Crl.M.P.No.4037 of 2017, in regarding for execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the arresting officer or to the satisfaction of the learned Judicial Magistrate concerned.

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.K.S.Duraipandian
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the condition imposed by the learned Principal Sessions Judge, Theni, dated 08.12.2017, in Crl.M.P.No.4037 of 2017, with regard to execution of a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the arresting officer or to the satisfaction of the learned Judicial Magistrate concerned.

2.The counsel for the petitioner submitted that the learned Principal Sessions Judge failed to consider the fact that the petitioner has been falsely implicated in Crime No.561 of 2017 and also failed to consider that the petitioner is a elder member of his family and the family members are depending upon the petitioner's



assistance. On 04.12.2017, the petitioner sent a detailed representation to the higher officials against the de-facto complainant, but thereafter, on 06.12.2017, the respondent police registered a case against the petitioner and others in Crime No.561 of 2017 for the offences punishable under Sections 294(b), 354, 506 (ii) IPC and Section 4 of TNPWH Act, 2002 and the petitioner was arrayed as Accused No.1 and entire family members were falsely implicated in Crime No.561 of 2017.

3.The learned Additional Public Prosecutor submitted that the condition imposed by the learned Principal Sessions Judge, Theni, dated 08.12.2017, in CrI.M.P.No.4037 of 2017 is a normal one and therefore, modification of the condition is not necessary.

4.Heard both sides.

5.Upon perusal of the averments in the modification petition, this Court finds that the condition imposed by the learned Principal Sessions Judge, Theni, dated 08.12.2017, in CrI.M.P.No.4037 of 2017 is an usual one and the same does not require any modification. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Theni.
2. The Sub-Inspector of Police,
Devadhanapatti Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

smn2/gns

MV:GT:SAR2:10/01/2018/2P/4C

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