



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2018

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No. 19929 of 2018

Karunanidhi

.... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.195 of 2018)

..... 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 Court below in above Cr.M.P.No.3923 of 2018, on the file of the Principal Sessions Court, Trichirappalli by an order dated 12.09.2018, insofar as the 1st condition to deposit a sum of Rs.4,50,000/- in the Crime Number is concerned and pass appropriate orders on merits in accordance with law thereby relaxing the said condition insofar as the petitioner is concerned.

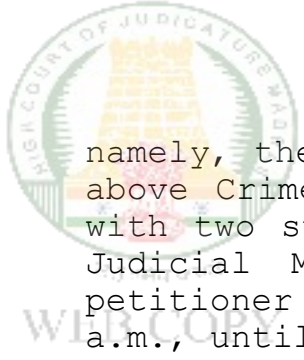
For Petitioner : Mr.P.Sivachandran

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed seeking to modify the condition imposed by the Court below in above Cr.M.P.No.3923 of 2018, on the file of the Principal Sessions Court, Trichirappalli by an order dated 12.09.2018, insofar as the 1st condition to deposit a sum of Rs.4,50,000/- in the Crime Number is concerned and pass appropriate orders on merits in accordance with law thereby relaxing the said condition insofar as the petitioner is concerned.

2. The learned counsel for the petitioner would submit that the petitioner was arrested by the respondent in above Crime No.195 of 2018 registered for the offence punishable under Sections 465, 467, 468, 471, 417 and 420 of IPC and confined to judicial custody on 12.07.2018. He would further submit that the petitioner filed bail application before the lower Court in the above Cr.M.P.No.3923 of 2018 and the Court below was pleased to release the petitioner on bail by an order dated 12.09.2018, on the following conditions,



namely, the petitioner has to deposit a sum of Rs.4,50,000/- in the above Crime Number and to execute a bond for a sum of Rs.10,000/- with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Musiri and on further condition that the petitioner has to report before the respondent police daily at 10.00 a.m., until further orders.

3. He would also submit that the first condition thereby directing the petitioner to deposit a sum of Rs.4,50,000/- was imposed, in the light of the order passed by this Court, dated 21.08.2018 in CrI.O.P.No.14422 of 2018, filed by the Manager of the Canara Bank, namely, one Siva for anticipatory bail. This Court, considering the status and designation of the petitioner in the above anticipatory bail application had imposed the condition to deposit a sum of Rs.4,50,000/- in the above Crime Number as far as the said petitioner is concerned. But the Court below in a bail petition moved by the petitioner had imposed such an onerous condition thereby directing him to deposit a sum of Rs.4,50,000/- without considering the capacity and status of the petitioner and the petitioner is still incarceration for more than 120 days.

4. Considering the submissions made by the learned counsel for the petitioner and considering the fact that the petitioner, who is only sub staff and due to his inability to pay the money, is still incarceration, even though the bail was granted on 12.09.2018, the order of the lower Appellate Court is modified to the extent of depositing a sum of Rs.4,50,000/- to Rs.2,50,000. The other conditions imposed in Cr.M.P.No.3923 of 2018, dated 12.09.2018, remains unchanged.

5. Accordingly, the Criminal Original Petition is partly allowed.

Sd/
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar(CS-II)

To

- 1.The Principal Sessions Judge, Trichirappalli.
- 2.The Judicial Magistrate, Musiri.
- 3.The Inspector of Police,
Musiri Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Sivachandran, Advocate, SR.No.94563

CrI.O.P.(MD)No. 19929 of 2018
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