



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of October Two Thousand Eighteen

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) No.7987 of 2018

IN

CRL A(MD) No.410 of 2018

M.BALU

... APPELLANT/ACCUSED No.1

Vs

THE STATE OF TAMIL NADU,
REPRESENTED BY ITS,
THE INSPECTOR OF POLICE
FORT (LAW & ORDER) POLICE STATION,
TRICHY, TRICHY DISTRICT.
CRIME NO.18/2014

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition No.1 imposed by this Honourable Court in Crl.M.P(MD).No.7075/2018 in Crl A.No.410/2018 its order dated 05/09/2018.

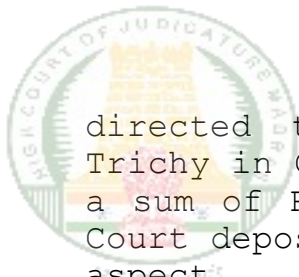
Prayer in CRL MP(MD).7075/2018 :

To suspend the sentence and grant bail to the Appellant/Accused No.1 against the Judgement dated 11/08/2018 in SC.No.154/2015 on the file of the Sessions Court, Trichy in Crime No.18/2014 on the file of the respondent police pending disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.T.LAJAPATHI ROY, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate on behalf of the Respondent, the court made the following order:-

In the appeal bail filed by the first accused, this Court passed the conditional order to suspend the sentence. One of the condition is that the petitioner M.Balu should deposit a sum of Rs.75,000/- to the credit of S.C.No.154 of 2015, on the file of the learned Principal Sessions Judge, Tiruchirappalli.

2. The revision petitioner herein has filed a petition seeking modification of the above said condition on the ground that before the trial Court when bail was granted at pre-trial stage, he was



directed to deposit Rs.1,00,000/- by Principal Sessions Judge, Trichy in Crl.M.P.No.48 of 2014. pursuant to that, he has deposited a sum of Rs.1,00,000/- on 10.01.2014 and the same is still in the Court deposit. Therefore, the petitioner wants modification in this aspect.

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3.The revision petitioner has already deposited a sum of Rs.1,00,000/- before the trial Court and the same is still in the Court deposit. To verify the same the learned Government Advocate (Crl.Side) was instructed to get particulars about the deposit alleged to have been made by the petitioner herein.

4.The learned Government Advocate (Crl.Side) would submit that the money deposited by the petitioner M.Balu who is the first accused is still laying in the account of S.C.No.154 of 2015.

5.In the said circumstances, this Court is of the opinion that the petitioner need not deposit a further sum of Rs.75,000/-. Hence, paragraph No.5 of the order passed by this Court in Crl.M.P. (MD)No.7075 of 2018 in Crl.A.(MD) No.410 of 2018 is modified as under:

"5.Considering the facts of the case, the impugned judgment as well as the grounds raised by the petitioner/appellant, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended and the petitioner is directed to be enlarged on bail, on the following conditions:-

The petitioner shall 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 learned Principal Sessions Judge, Tiruchirappalli and on further condition that the petitioner shall report before the trial Court on the first working day of every English calender month at 10.30 a.m., until further orders".

6.With the said modification, the criminal miscellaneous petition is allowed.

sd/-
24/10/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE PRINCIPAL SESSIONS JUDGE,
TIRUCHIRAPPALLI

2 THE INSPECTOR OF POLICE
FORT (LAW & ORDER) POLICE STATION,
TRICHY, TRICHY DISTRICT

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to Mr.T.LAJAPATHI ROY Advocate SR.No.92438

ORDER

IN

CRL MP (MD) No.7987 of 2018

IN

CRL A (MD) No.410 of 2018

Date :24/10/2018

CP

PK/RR/SAR-1/01.11.2018 : 3P/5C