

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.01.2019
CORAM:
THE HON'BLE MR. JUSTICE N. ANAND VENKATESH
Crl.OP No.923 of 2019

1. K.Mohan	... Petitioner/7th Accused
2. K.Silambarasan	... Petitioner/9th Accused

Vs.

State represented
by Inspector of Police,
Thoppur Police Station,
Dharmapuri District,
Dharmapuri
(Cr.No.241 of 2018)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr. PC to modify the condition imposed in order dated 05.01.2019 in Crl.M.P.No.20/2019 in Crime No.241 of 2018 on the file of Principal Sessions Judge, Dharmapuri, with respect to the condition to deposit a sum of Rs.2 lakhs each in the name of the Judicial Magistrate No.II, Dharmapuri for the petitioners to be released on bail.

For Petitioner : Mr.G.Arul Murugan

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking to modify the condition imposed by the Court below while granting bail to the petitioners.

2. The petitioners who are A7 and A9 were arrested by the respondent police for an offence under Section 201, 120 B, 379, 407, 436 IPC & 4 of TNPPDL Act in Crime No.241 of 2018. These petitioners were remanded to judicial custody on 22.11.2018. The petitioners filed an bail petition before the Court below and the Court below taking into consideration the facts and circumstances of the case, granted bail by an order dated 05.01.2019 by imposing certain conditions.

3. The petitioners are aggrieved by the condition where they have been directed to deposit Rs.2,00,000/- each before the Judicial Magistrate No.11, Dharmapuri in the pending FIR. The learned counsel for the petitioners would submit that the petitioner are daily coolies and they have been implicated in this case only based on the confession given by Accused No.1.

4. The learned Additional Public Prosecutor on instructions would submit that the petitioners along with other accused persons are involved in a very serious crime, where several vehicles were burnt in the incident and also coconut oil pockets belonging to the Government department also got destroyed. Therefore, the Additional Public Prosecutor would submit that there are no grounds to interfere with the order passed by the Court below.

5. This Court is of the considered view that the Court below has taken into consideration the entire facts and circumstances and come to a conclusion that the petitioners will have to deposit a sum of Rs.2,00,000/- each, the condition for bail. This Court does not find any apparent perversity in the order passed by the Court below. However, taking into consideration the financial status of the petitioners and also due to the fact that the petitioners are inside the prison from 22.11.2018 onwards, this Court is inclined to reduce the amount and accordingly, modify the condition imposed by the Court below.

6. In the result, this Criminal Original Petition is disposed of by partly modifying the condition imposed by the Court below and the petitioners are directed to deposit a sum of Rs.1,00,000/- each before the learned Judicial Magistrate II, Dharmapuri. The other conditions imposed by the Court below shall stand as it is.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II,
Dharmapuri.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
Thoppur Police Station,
Dharmapuri, Dharmapuri District.

+1cc to Mr.G.Arul Murugan, Advocate, S.R.No.2633

Cr1.OP No.923 of 2019

RGN(CO)
rrs 10/01/2019