

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6852 of 2019

Veerasamy

...Petitioner

Vs.

State Rep. by
Station House Officer
Edakkal Police Station
Villupuram District
Cr.No.60 of 2019

... Respondent

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to modify the order passed by the learned Principal Sessions Judge, Villupuram in Crl.M.P.No.1640/2019 dated 05.03.2019 and permit the petitioner to furnish sureties instead of cash deposit of a sum of Rs.90,000/-.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.C.Raghavan
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to modify the order passed by the learned Principal Sessions Judge, Villupuram in Crl.M.P.No.1640/2019 dated 05.03.2019 and permit the petitioner to furnish sureties instead of cash deposit of a sum of Rs.90,000/-.

2.The case of the prosecution is that the defacto complainant is the father in law of the petitioner. When the defacto complainant's daughter came to her parent's house for delivery, the petitioner never visited his daughter for four months and also set fire when they were sleeping in the thatched house. Hence, a case was registered as against the petitioner.

3.The learned counsel for the petitioner would submit that the respondent police have falsely implicated the petitioner for the alleged offences u/s.436, 307 of IPC based on the complaint lodged by the defacto complainant. Thereafter, the petitioner

moved a bail application before the learned Principal Sessions Judge, Villupuram in CrI.M.P.No.1640/2019 and he was enlarged on bail by an order dated 05.03.2019 with the following conditions:

"The petitioner is ordered to be released on bail on his depositing a sum of Rs.90,000/- as cash security before the Lower Court as well as on his executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.1, Ulundurpet and on condition that the petitioner shall appear before the respondent police station daily at 10.00 a.m. until further orders."

4.The learned counsel for the petitioner would further submit that the petitioner could not comply with the condition as he belongs to a poor family and doing agricultural coolie work and it is very difficult for him to mobilise the fund for a sum of Rs.90,000/- even though the bail was granted as early as on 05.03.2019. The petitioner would submit that he is ready to furnish security to the tune of Rs.90,000/- instead of cash security. Accordingly, prays for modification.

5.Heard the learned counsel for the petitioner.

6.It is seen from the records that the petitioner was granted bail on condition that the petitioner to deposit a sum of Rs.90,000/- as cash security before the Lower Court. However, the present petition has been filed by the petitioner seeking modification from paying the conditional amount, which is unsustainable. Hence, this court is not inclined to modify the condition imposed by the learned Principal Sessions Judge, Villupuram in CrI.M.P.No.1640/2019 dated 05.03.2019.

7.Accordingly, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge, Villupuram

2.Station House Officer, Edakkal Police Station
Villupuram District

3.The Public Prosecutor, High Court, Madras.

Copy To

The Section Officer, ER Section, High Court, Madras
(To return Original documents)

+1cc to Mr.S.Saravanakumar, Advocate SR.No.24100

Crl.O.P.No.6852 of 2019

VD(CO)
GMY(08/04/2019)



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