

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17687 of 2019

Thangaraj

...Petitioner

Vs.

State rep.by Inspector of Police,
Puthuchathiram Police Station
Namakkal District.
Crime No.142 of 2019.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the condition of the Principal Sessions Judge, Namakkal, order made in C.M.P.No.1102 of 2019 dated 02.07.2019 "the petitioner shall make a non-refundable deposit of Rs.52,500/- by way of demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the Namakkal District, without prejudice to him defence before the trial court and the receipt/challan shall be produced before the learned Magistrate and thereafter, the learned Judicial magistrate shall accept the sureties furnished by the petitioner".

For Petitioner :Mr.W.Camyles Gandhi

For Respondent :Mr.M.Mohammed Riyaz
Additional Public prosecutor

ORDER

This petition has been filed against the condition imposed by the Court below while granting bail to the petitioner, directing the petitioner to deposit a sum of Rs.52,500/-.

2. The petitioner was arrested and remanded to judicial custody on 20.06.2019 for an offence under Section 379 of IPC r/w. 21(1) of Mines and Minerals Development and Regulation Act, 1957. Apart from the petitioner who is the driver of the vehicle, the owner of the vehicle was also made as an accused in this case.

3. The owner of the vehicle had filed an Anticipatory bail petition before the Court below in C.MP.No.1055 of 2019 and anticipatory bail was granted to the owner of the vehicle by directing him to deposit a sum of Rs.52,500/- by an order dated 02.07.2019.

4. While the bail petition of the petitioner was considered by the Court below, the very same condition was

imposed on the petitioner also, since he was driver of the vehicle. This condition has now been put to challenge in this petition.

5. The learned counsel for the petitioner submitted that the petitioner is a very poor person and he was only the driver of the vehicle. The learned counsel further submitted that the owner of the vehicle has already deposited a sum of Rs.52,500/- and therefore, it was not necessary for the Court below to have imposed such an onerous condition on the driver of the vehicle.

6. The learned Additional Public Prosecutor submitted that the Court below had imposed such a condition, since the accused persons had transported 3 1/2 units of river sand in the lorry illegally and therefore, there is no requirement to interfere with the condition imposed by the Court below.

7. Taking into consideration the facts and circumstances of the case and the materials placed on record, this Court is inclined to modify the condition imposed against the petitioner insofar as the cash deposit is concerned.

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8. The condition imposed by the Court below is modified to the extent that the petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) instead of Rs.52,500/- (Rupees fifty two thousand five hundred only). To this extent, the order passed by the Court below is modified. The other conditions imposed by the Court below shall stand as it is.

9. This Criminal Original Petition is disposed of accordingly.

05.07.2019

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Note:Issue order copy today (05.07.2019)

To

1. The Principal Sessions Judge, Namakkal,

2. State rep.by Inspector of Police,
Puthuchathiram Police Station
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

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