

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.18981 of 2019

1.Kannan
2.Narasimman

...Petitioners

-Vs-

The State represented by
The Inspector of Police,
Puthuchathiram Police Station,
Namakkal District.
(Crime No.150 of 2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to modify the condition imposed by the learned Principal Sessions Judge, Namakkal, by an order made in C.M.P No.1184 of 2019 dated 12.07.2019, "the petitioners shall make a non-refundable deposit of Rs.60,000/- by way of demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the Namakkal District, without prejudice to his 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 petitioners.

For Petitioner : Mr. W.Camyles Gandhi

For Respondent : Mr.M.Mohanded Riyaz
Additional Public Prosecutor
ORDER

This petition has been filed challenging the condition imposed by the Principal Sessions Judge, Namakkal while granting bail to the petitioner.

2. The petitioners were arrested by the respondent police for an offence under Section 379 of IPC. The prosecution case is that the petitioners were the drivers of the lorry, who were carrying four units of sand illegally in the lorry. The petitioners were arrested and remanded to judicial custody on 02.07.2019.

3. The petitioners filed a bail petition before the

Court below and the Court below, after considering the facts and circumstances of the case, granted bail to the petitioners by an order dated 12.07.2019 by imposing certain conditions. The petitioners are aggrieved by condition No.1, wherein the petitioners have been directed to deposit a sum of Rs.60,000/- by way of demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the Namakkal District.

4. The learned counsel for the petitioners submitted that the petitioners are only the drivers of the vehicle and the owner of the vehicle was also made as an accused and he has filed an anticipatory bail petition in CrI.O.P No.19044 of 2019 and this Court had granted anticipatory bail to the owner of the vehicle, by imposing a condition that he should deposit a sum of Rs.60,000/- in the Chairman/District Collector, District Mineral Foundation Trust of the Namakkal District.

5. The learned counsel, therefore submitted that the petitioners are incapable of complying the condition since they are very poor and the owner of the vehicle is going to deposit the amount and therefore, the condition imposed as against the petitioners may be modified.

6. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent.

7. Taking into consideration the facts and circumstances of the case, the first condition imposed by the Court below is modified to the effect that the petitioners shall make a non-refundable deposit of Rs.15,000/- (Rupees fifteen thousand only) by way of demand draft to the credit of the Chairman / District Collector, District Mineral Foundation Trust of the Namakkal District, without prejudice to their 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 petitioners. The other conditions imposed by the Court below shall stand as it is.

8. This Criminal Original Petition is disposed of accordingly.

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Sd/-

Assistant Registrar

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Sub Assistant Registrar

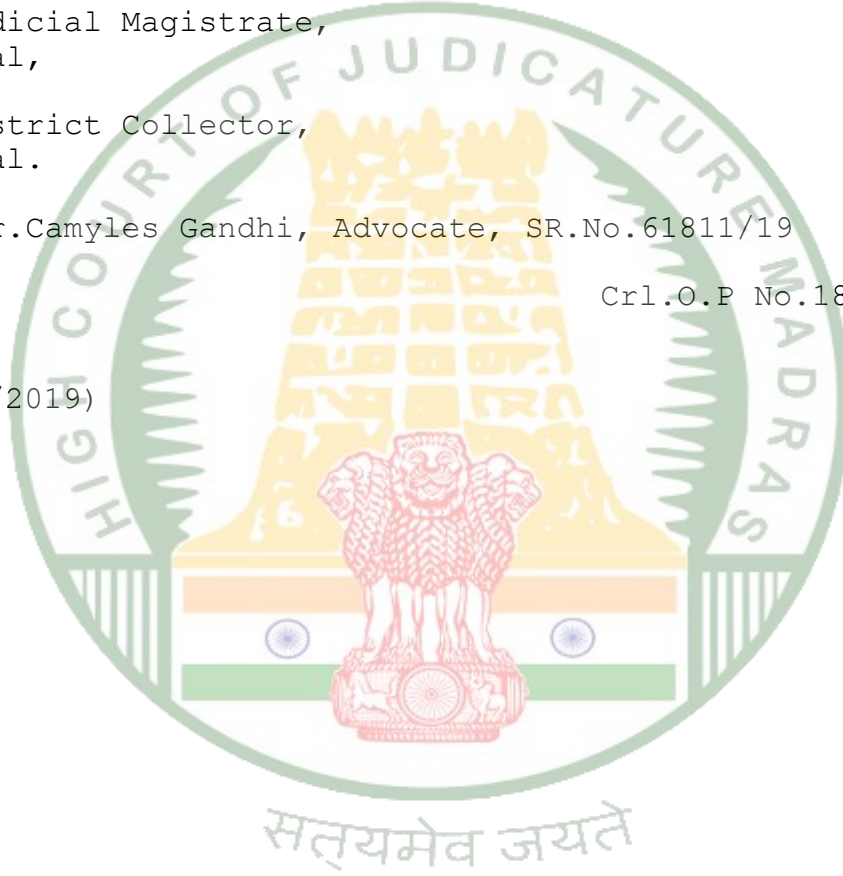
To

1. The Principal Sessions Judge,
Namakkal.
2. The Inspector of Police,
Puthuchathiram Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras,
Madras.
4. The Judicial Magistrate,
Namakkal,
5. The District Collector,
Namakkal.

+1cc to Mr.Camyles Gandhi, Advocate, SR.No.61811/19

Crl.O.P No.18981 of 2019

Kak(19/07/2019)



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