

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.19919 of 2019

Kuspu @ Pushparaj

... Petitioner

Vs.

State represented by
The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
(Crime No.32 of 2019)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the bail condition No.1, imposed on the petitioner as " on condition that the petitioner shall make a non-refundable deposit Rs.52,500/- (Rupees Fifty Two Thousand and Five Hundred 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 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", in C.M.P.No.1209 of 2019 on the file of the Principal Sessions Judge, Namakkal, in Crime No.32 of 2019, on the file of Puduchatram Police Station, Namakkal District, dated 16.07.2019.

For Petitioner : M/s.Vasudevan B

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the condition imposed by the Court below, while granting bail to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 08.07.2019, in the course of investigation in Crime No.32 of 2019.

3. The case of the prosecution is that the accused persons have transported 3 1/2 units river sand illegally in the lorry. The petitioner has been added as A3 and he is said to have sold the river sand to A1 and A2. The Court, while granting the bail to the petitioner, had directed the petitioner to deposit a sum of Rs.52,500/- in the Chairman/District Collector, District Mineral Foundation Trust, Namakkal District. This condition has been put to challenge before this Court.

4. The learned counsel for the petitioner submitted that the owner of the vehicle was also granted anticipatory bail in C.M.P.No.365 of 2019 by the Principal Sessions Judge, Namakkal. While granting anticipatory bail, he was directed to deposit a sum of Rs.52,500/- to the same trust and the amount has also been deposited. The learned counsel submitted that the petitioner is very poor and he is not in a position to comply with the condition imposed by the Court below and the condition imposed by the Court below is onerous.

5. The learned Additional Public Prosecutor submitted that river sand to an extent of 3 1/2 units has been illegally transported in the lorry and therefore the Court below was right in imposing the condition.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the owner of the lorry has already deposited a sum of Rs.52,500/- to the Chairman/District Collector, District Mineral Foundation Trust, Namakkal District, this Court deems it fit to modify the condition imposed by the Court below to the extent that the petitioner shall deposit a sum of Rs.15,000/- to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the Namakkal District. The other conditions imposed by the Court below shall stand as it is. Accordingly, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. The Principal Sessions Judge,
Namakkal.

2.The Inspector of Police,
Puduchatram Police Station,
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

4. The Chairman/District Collector
District Mineral Foundation Trust
Namakkal.

+1 CC to Mr.B.Vasudevan, Advocate sr 64094.

Crl.O.P.No.19919 of 2019

AD(CO)
SP(07/08/2019)



WEB COPY