

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20954 of 2019

1.Murali @ Popmarley  
2.Arivalagan

.. Petitioners

Vs.

State rep. by  
Inspector of Police,  
D-5, Marina Police Station  
Chennai-600 005.  
(Crime No.344 of 2019)

.. Respondent

COMMON PRAYER: Criminal Original petition has been filed under Sections 482 r/w 439 (1) B of the Code of Criminal Procedure, praying to modify the condition in Crl.M.P No.13990 of 2019 dated 26.07.2019 by the Principal Sessions Judge, Chennai and the deposit amount may be reduced.

For Petitioner : Mr.M.Hussaini Basha

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

O R D E R

This Criminal Original Petition has been filed challenging the condition imposed by the Court below while granting bail to the petitioners.

2. The petitioners were arrested and remanded to judicial custody by the respondent police in Crime No.344 of 2019. The FIR was registered for the offences under Sections 341, 294(b), 336, 397 and 506(2) of IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992. The petitioners are added as A3 and A4.

3. The Court below, while granting bail to the petitioners, directed the petitioners to deposit a sum of Rs.10,000/- each to the credit of Crime No.344 of 2019. Aggrieved by the said condition, the present petition has been

filed before this Court.

4. The learned counsel for the petitioners submitted that the petitioners are daily coolies and they do not even earn more than Rs.200/- per day. The learned counsel further submitted that the petitioners are not in a position to comply with this condition and the condition imposed by the Court below is onerous.

5. The learned Additional Public Prosecutor, on instructions submitted that the case involved causing damage to an Auto rickshaw and therefore, the FIR has been registered even for the offence under Section 3(1) of TNPPDL Act. The Court below has taken into consideration, the loss caused by the petitioners and accordingly, a condition has been imposed and therefore, there is no ground to interfere with the same.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the condition 6(b) is modified to the extent that each of the petitioner shall deposit a sum of Rs.1000/- in Crime No.344 of 2019. The other conditions imposed by the Court below shall stand as it is.

8. This Criminal Original Petition is disposed of, accordingly.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Uma

To

1.The Principal Sessions Judge, Chennai.

2.Inspector of Police,  
D-5, Marina Police Station  
Chennai-600 005.

3.The Public Prosecutor, Madras High Court.

+1cc to Mr.M.Hussaini Basha, Advocate, S.R.No. 67016(06/08/2019)

Cr1.O.P.No.20954 of 2019

RGN(CO)  
GN(05/08/2019)