

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.08.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21399 of 2019

Deva

.. Petitioner

Vs.

State rep. by
Inspector of Police,
D-5, Marina Police Station
Chennai-600 005.

.. Respondent

COMMON PRAYER: Criminal Original petition has been filed under Sections 482 of the Code of Criminal Procedure, praying to modify the condition in Crl.M.P No.14926 of 2019 dated 01.08.2019 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 petitioner.

2. The petitioner was 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 TNPPDL Act. The petitioner is added as A2.

3. The Court below, while granting bail to the petitioner, directed the petitioner to deposit a sum of Rs.10,000/- 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 petitioner submitted that the petitioner is a daily coolie and he does not even earn more than Rs.200/- per day. The learned counsel further submitted that the petitioner is 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 petitioner 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, condition 6(b) is modified to the extent that 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(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Chennai.

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

3.The Public Prosecutor,
Madras High Court.

+1cc to Mr.Hussain Basha, Advocate, S.R.No.68588

MG(CO)

RRS (13/08/2019)

Cr1.O.P.No.21399 of 2019