

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26031 of 2019

Poongodi

..Petitioner/Accused No.2

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Brammadesam Police Station,
Tindivanam Taluk,
Villupuram District.Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions of bail imposed on the petitioner in Crl.M.P.No.2016 of 2019 dated 22.03.2019 on the file of the Principal Sessions Judge, Villupuram

For Petitioner : Mr.V.Bhiman

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The petitioner, who had been arrayed as an accused, has been granted anticipatory bail by the learned Principal Sessions Judge, Villupuram on 22.03.2019 in Crl.M.P.No.2016 of 2019 for the offences under Section 174(3) Cr.P.C. which was altered into 498(A) and 304(b) I.P.C., on certain conditions. Seeking to modify the same, the present petition has been filed.

2. It is now a settled law that when a Court considers a statutory bail, onerous condition cannot be imposed and the Court has to satisfy itself with the only requirement as to whether the accused persons are prepared to furnish bail. Useful reference can be made to the Judgement of this Court in 2019 1 LW(Crl.) 387 in the case of Umadevi Vs. The State Rep. by the Inspector of Police, EOW II, Coimbatore. Therefore, the condition imposed by the Court below requires interference and since the petitioner is not in a position to comply with the said condition, she is not able to come out on bail till today.

3. In the result, the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.50,000/- as compensation before the lower Court as well as executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of learned Judicial Magistrate No.2, Tindivanam, is modified to the effect that the petitioner shall execute a bond for a sum of Rs.50,000/- with two sureties each for a like sum.

4. All other observations made in the earlier order dated 22.03.2019 in CrI.M.P.No.2016 of 2019 shall remain intact.

5. Accordingly, this Criminal Original Petition stands ordered.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Villupuram.
2. The Judicial Magistrate No.2,
Tindivanam.
3. -Do-Thro' The Chief Judicial Magistrate,
Villupuram.
4. The Inspector of Police,
Brammadesam Police Station,
Tindivanam Taluk,
Villupuram District.
5. The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.V.Bhiman, Advocate Sr.No. 82926

AKM/22.10.19/2P-7C /

CrI.O.P.No.26031 of 2019