



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

CRL.O.P.[MD].No.4105 of 2019

T.Bose

... Petitioner

Vs.

The State through
The Sub-Inspector of Police,
Avaniyapuram Police Station,
Madurai.
(in Cr.No.149 of 2019)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to set-aside the order passed in Crl.M.P.No.988 of 2019, dated 01.03.2019 by the Principal Sessions Judge, Madurai, in Cr.No.149 of 2019 and thereby, modify the condition imposed by the Principal Sessions Judge, Madurai, in Crl.M.P.No.710 of 2019, dated 18.02.2019 and relax the condition for depositing the amount of Rs.3,50,000/- before the concerned Court.

For Petitioner : Mr.M.Lingadurai

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side).

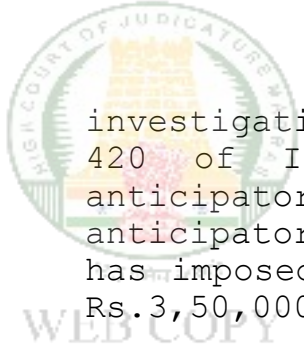
ORDER

The present petition is filed to set-aside the order passed in Crl.M.P.No.988 of 2019, dated 01.03.2019 by the Principal Sessions Judge, Madurai, and thereby, modify the condition imposed by the Principal Sessions Judge, Madurai, in Crl.M.P.No.710 of 2019, dated 18.02.2019 and relax the condition for depositing the amount of Rs.3,50,000/- before the concerned Court.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing of the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned Counsel for the petitioner submitted that that he has been arrayed as the first accused in Cr.No.149 of 2019 and faces



investigation for alleged offences under Sections 419, 465, 468 and 420 of IPC. He had moved the District Sessions Court for anticipatory bail in CrI.M.P.No.710 of 2019 and while granting anticipatory bail to the petitioner, the District Sessions Judge, has imposed a condition that the petitioner should deposit a sum of Rs.3,50,000/- before the Court.

4. Thereafter, the petitioner has moved the Sessions Court in CrI.M.P.No.988 of 2019 for modifying the said condition imposed in the order granting anticipatory bail on the ground that the petitioner does not have the financial capacity to make such payment and that the condition is onerous. This, however, was dismissed by the learned Sessions Judge.

5. When the matter was taken up for hearing before this Court on 22.03.2019, it was submitted before this Court that the petitioner requires frequent dialysis and that he has no sufficient money, and urged the Court to modify the condition. The learned Additional Public Prosecutor was instructed to file a report on the financial status of the petitioner.

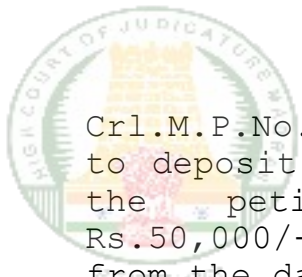
6. Today, the learned Additional Public Prosecutor filed the status report. Paragraph 2 of the status report is relevant, which reads as follows:

"2. It is submitted that there are 3 Accused in the case. The petitioner is A1 as per the F.I.R. and the investigation reveals that he is broker of land by profession and he is doing this broking business for the past several years. He is having 3 daughters and all the 3 daughters were got married and well settled and a son was expired. I further submit that he is having a own house worth value about Rs.2,10,000/- through Slum Clearance Board as well as he is undergoing dialysis."

7. Mr. Vijay Anand, learned Counsel made a statement before this Court that he has instruction from the de-facto complainant in this case and informed the Court of his intention to intervene the matter. It may have to be stated here that there is hardly any role for the de-facto complainant for intervening, since the imposition of condition is something falls within the exclusive domain of the Court.

8. The status report discloses two primary facts: That the petitioner requires dialysis, and that he has only a house allotted to him by the Slum Clearance Board, worth of Rs.2,10,000/-". In circumstances such as that, this Court does consider that the condition imposed by the District Sessions Court, in directing the petitioner to deposit a sum of Rs.3,50,000/- is will be bit onerous and therefore, chooses to modify the same.

9. Accordingly, this Criminal Original Petition is allowed and the condition of the Principal Sessions Court, Madurai, in



CrI.M.P.No.988 of 2019, dated 01.03.2019, directing the petitioner to deposit a sum of Rs.3,50,000/- is set aside. This Court directs the petitioner to offer a bond for a sum of Rs.50,000/- before the concerned Court within a period of 15 days from the date of receipt of a copy of this order.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS)

To

1.The Principal Sessions Judge, Madurai.

2.The Sub-Inspector of Police,
Avaniyapuram Police Station,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.LINGADURAI, Advocate (SR-59461[F] dated 08/04/2019)

CRL.O.P.[MD].No.4105 of 2019
05.04.2019

ES/30.04.2019/3P/5C