



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P. (MD)No.5062 of 2019

1.Selvi

2.Saravanan

...Petitioners/Accused Nos.2 & 3

Vs

State Rep.by
The Sub Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.17 of 2018)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C., to modify the order in Crl.M.P.No.1349 of 2019 dated 26.03.2019 passed by the learned Principal Sessions Judge, Thoothukudi, removing the condition of directing the petitioners/Accused Nos.2 & 3 to deposit a cash security of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the learned Judicial Magistrate, No.III, Thoothukudi.

For Petitioners : Mr.S.Mandhiralingeswaran

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

This petition has been filed to modify the order in Crl.M.P.No.1349 of 2019, dated 26.03.2019 passed by the learned Principal Sessions Judge, Thoothukudi, removing the condition of directing the petitioners/A2 & A3 to deposit a cash security of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the learned Judicial Magistrate, No.III, Thoothukudi.

2. The defacto complainant is the wife of A1. The petitioners are in-laws of the defacto complainant. A1 along with other accused persons, tortured the defacto complainant to sell the property, which stands in the joint name of A1 and demanding additional dowry. Hence, the defacto complainant left the matrimonial home and living separately along with her two children. Subsequently, A1 married another lady.



3.The learned counsel for the petitioner would submit that the petitioners/A2 & A3 herein were granted anticipatory bail by the learned Principal Sessions Judge, Thoothukudi by an order dated 26.03.2019 in Crl.M.P.No.1349 of 2019 by imposing conditions. One of the condition is that the petitioners have to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each as cash security before the learned Judicial Magistrate, No.III, Thoothukudi in Crl.C.D.a/c till the disposal of the case. The petitioners/A2 & A3 are the daily wages and the petitioners/A2 & A3 are not in a position to deposit that much amount of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the concerned Court as security deposit. Hence, the petitioners filed this modification petition before this Court to modify the above condition.

4. Considering the fact and circumstances of the case and the fact that the defacto complainant living separately with her two children and A1 did not take care about them, this court is of the opinion that the additional condition imposed by the learned Principal Sessions Judge, Thoothukudi in Crl.M.P.No.1349 of 2019, is reasonable one. Hence, this Court does not interfere with the order of the Trial Court. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

To

1.The Principal Sessions Judge,
Thoothukudi

2.The Judicial Magistrate, No.III,
Thoothukudi

3.The Sub Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.

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

dss

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