



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5177 of 2019

Muthukumar

.. Petitioner

Vs.

The Inspector of Police,
District Crime Branch,
Tuticorin District.
(Crime No.17 of 2018)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1) (b) of the Code of Criminal Procedure, to modify the conditions imposed by the learned Judicial Magistrate No.III, Tuticorin, in Crl.M.P.No.3361 of 2019, dated 25.03.2019.

For Petitioner :Mr.K.M.Priscilla Jancy
For Respondent :Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

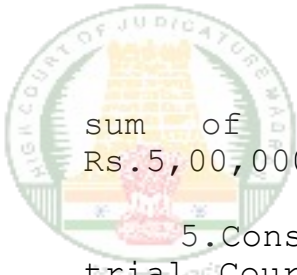
ORDER

This Criminal Original Petition has been filed seeking to modify the conditions imposed by the learned Judicial Magistrate No.III, Tuticorin, in Crl.M.P.No.3361 of 2019, dated 25.03.2019.

2.The case of the prosecution is that the petitioner is working as a Cashier at Co-operative Society, Kovilpatti Taluk and he has misappropriated a sum of Rs.7,33,086/- for which, the Municipality filed a complaint before the respondent police. On an earlier occasion, the petitioner was remanded into judicial custody on 05.03.2019, therefore, he filed a bail application before the trial Court, in which, the trial Court granted bail on condition that the petitioner shall deposit a sum of Rs.5,00,000/- to the credit in Crime No.17 of 2018. Aggrieved by the said condition, the present petition is filed.

3.The learned counsel for the petitioner would submit that the allegations against the petitioner is that he has misappropriated a sum of Rs.7,33,086/-. The present condition to deposit Rs.5,00,000/- is onerous and liable to be modified. Accordingly, he prayed for modification the said condition.

4.The learned Government Advocate (Crl. Side) appearing for the State would submit that though the petitioner has misappropriated a



sum of Rs.7,33,086/-, the Court ordered to deposit only Rs.5,00,000/-.

5.Considering the facts and circumstances of the case, the trial Court imposed the condition for a sum of Rs.5,00,000/- as against misappropriation for a sum of Rs.7,33,086 is just not reasonable. Accordingly, the Criminal Original Petition is dismissed and the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit in Crime No.17 of 2018, before the trial Court for a period of two weeks from the date of receipt of a copy of this order. If the petitioner fails to deposit the said amount before the trial Court, within two weeks, the law enforcing agency shall take appropriate action in accordance with law.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-)

To

1.The Judicial Magistrate No.III, Tuticorin.

2.The Inspector of Police,
District Crime Branch,
Tuticorin District.

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

Cr1.O.P.(MD)No.5177 of 2019
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SP/15.04.2019/ 2P/4C