



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.12010 of 2019

Krishnamoorthy,
S/o.Ravikumar, Middle Street,
Keelpalapatti, Kumarapalayam, P.Velur
Taluk, Namakkal District.

... Petitioner/7th Accused

Vs

The Sub Inspector of Police,
Vangal Police Station, Karur District
(Crime No.121 of 2019) .

... Respondent/Complainant

For Petitioner : M/s. K. Arunraj,
Advocate.

For Respondent : Ms.Anantha Devi,
Government Advocate (Crl.Side)

PETITION FOR MODIFICATION UNDER SECTION 439 (1) (b) OF CR.P.C

PRAYER :-

To modify the 1st condition imposed by the Learned Principal Sessions Judge, Karur in Crl.M.P.No.903 of 2019 dated 14.08.2019

ORDER : The Court Made the following order :-

This petition has been filed to modify the condition imposed by the learned Principal Sessions Judge, Karur in Crl.M.P.No.903 of 2019 dated 14.08.2019.

2. The learned counsel for the petitioner would submit that the petitioner was granted bail by the learned Principal Sessions Judge, Karur in Crl.M.P.No.903 of 2019 dated 14.08.2019 with a condition to deposit a sum of Rs.1,00,000/- before the concerned Magistrate in Crime No. 121 of 2019 of Vangal Police Station. He further submitted that the petitioner is only a lorry driver and since the petitioner is not able to deposit the said amount, he is not able to avail the benefit of the order passed by the learned Principal Sessions Judge, Karur and he is still in custody. Therefore he prayed to modify the said condition.

3. The learned Government Advocate(Crl.Side) would submit that there are totally nine accused involved in this case and the petitioner herein along with other accused persons has illegally transported 18 units of river sand. Taking into consideration of



the said fact the learned Sessions Judge has rightly imposed a condition directing the petitioner to deposit a sum of sum of Rs.1,00,000/- to the credit of the crime Number 121 of 2019 in the said order. Hence she opposed to modify the said condition.

4. Taking into consideration of the fact that the petitioner is only a lorry driver and he is in custody for the past 28 days and no previous case is pending against the petitioner, this Court is of the view that the condition imposed by the learned Principal Sessions Judge, Karur directing the petitioner to deposit a sum of Rs.1,00,000/- to the credit of the crime number 121 of 2019 appears to be onerous.

5. Hence the condition imposed by the learned Principal Sessions Judge, Karur directing the petitioner to deposit a sum of Rs.1,00,000/- to the credit of the crime Number 121 of 2019 is alone set aside. All other conditions in the said order shall remain unaltered.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

TO

1. The Principal Sessions Judge, Karur.
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Sub Inspector of Police,
Vangal Police Station, Karur District
(Crime No.121 of 2019).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.K.ARUNRAJ, Advocate Sr. No. 14165

ORDER IN

CRL OP(MD) No.12010 of 2019

Date : 28/08/2019

TR (28.08.2019) 2P 6C