



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)Nos.12458 and 12476 of 2019

In Crl.O.P. (MD)No.12458 of 2019

Muthumuniyandi

... Petitioner

Vs

State represented by
The Inspector of Police,
Perungudi Police Station,
Madurai District.
(In Crime No.130 of 2019)

... Respondent

PRAYER: Petition filed under Section 439(1)(b) Code of Criminal Procedure, to modify the condition in Crl.M.P.No.3569 of 2019, dated 19.08.2019 on the file of the Principal Sessions Judge, Madurai.

For Petitioner : Mr.V.Selva

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

In Crl.O.P. (MD)No.12476 of 2019

Sathish kumar

... Petitioner

Vs

State represented by
Sub-Inspector of Police,
Perungudi Police Station,
Madurai District.
(In Crime No.130 of 2019)

... Respondent

PRAYER: Petition filed under Section 439(1)(b) Code of Criminal Procedure, to modify the condition in Crl.M.P.No.3639 of 2019, dated 19.08.2019 on the file of the Principal Sessions Judge, Madurai.

For Petitioner : Mr.S.Manoharan

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

**COMMON ORDER**

The petitioners herein are figuring as accused in Crime No.130 of 2019 on the file of the Perungudi Police Station.

2.They were arrested and remanded to custody. The learned Sessions Judge, Madurai, granted bail to them on condition that they should deposit a sum of Rs.39,215/-. Seeking modification of the said condition, these criminal original petitions have been filed.

3.The petitioners' counsel pointed out that two of the co-accused who are in the same footing, filed Crl.O.P.(MD)No.11445 of 2019 and this Court, by order dated 16.08.2019, granted bail to them without stipulating any condition to deposit.

4.Though the order passed by the Court below cannot be said to be incorrect, I am of the view that interference is called for in this case. This is because, the petitioners are said to be poor and even though the bail order was given as early as on 19.08.2019, on account of the inability to mobilize funds, they are still in custody.

5.Taking note of their poverty, I set aside the condition imposed on the petitioners to give cash surety of Rs.39,215/-. Both the criminal original petitions stand allowed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police, Perungudi Police Station,
Madurai District.

2.The Principal Sessions Judge, Madurai.

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

+1 CC to M/s.V.SELVA, Advocate (SR-85636[F] dated 06/09/2019)
+1cc to Mr.S.Manoharan, Advocate, SR.No.14927

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