

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P.No.1510 of 2020

John Yesudhas

... Petitioner/Accused

Vs.

1.State by Rep., by
The Inspector of Police
W-22, All Women Police Station
Madipakkam, St. Thomas Mount
Chennai
(Crime No.26/2019)

2.Bindhiya John

... Respondents/Complainant

PRAYER: Criminal Original petition has been filed under Sections 439(1)(B) of the Code of Criminal Procedure, to relax the condition made by the learned Judicial Magistrate Additional Mahila Court in Crl.M.P.No.08/2020 dated 06.01.2020 that "the Petitioner / Accused shall deposit a sum of Rs.1,00,000/- in each child name as Fixed Deposit within two weeks from the date of release and shall report to the Court immediately".

For Petitioner : Mr.R.C.Paul Kanagaraj
for R.Nathiya Sriivasan

For Respondents : Mrs. S.Thankira
G.A. (Crl. Side) for R1

O R D E R

This Criminal Original petition has been filed seeking to relax the condition made by the learned Judicial Magistrate Additional Mahila Court in Crl.M.P.No.08/2020 dated 06.01.2020 that "the Petitioner / Accused shall deposit a sum of Rs.1,00,000/- in each child name as Fixed Deposit within two weeks from the date of release and shall report to the Court immediately".

2.The petitioner was granted bail by the Judicial Magistrate Additional Mahila Court, Alandur in Crl.M.P.No.08 of 2020 dated 06.01.2020, and one of the bail conditions stipulated therein was that "the petitioner shall deposit a sum of Rs.1,00,000/- in each child's name as Fixed Deposit within two weeks from the date of release and shall report to the court immediately ".

3.In a matrimonial dispute, which has bred both civil and criminal litigation, the petitioner is the husband of defacto complainant, who has been granted bail in Crl.M.P.No.08 of 2020 by the Judicial Magistrate Additional Mahila Court, Alandur. The petitioner was facing acquisition for the offences u/s.406, 417, 294(b), 323, 506(ii) IPC.

4.The learned counsel for the petitioner submitted that a condition was imposed by the learned Magistrate, interalia included deposit of Rs.1,00,000/- each in favour of his two children. He added that the petitioner himself is drawing a monthly salary of Rs.25,000/- and prayed that this condition may be suitably modified to meet the limit of the petitioner's affordability.

5.In the light of the above, the order passed in Crl.M.P.No.08 of 2020 dated 06.01.2020 passed by the Judicial Magistrate Additional Mahila Court, Alandur, is now modified to the extent that the petitioner is now directed to deposit a sum of Rs.50,000/- each in the name of both his children in the Fixed Deposit within a period of three weeks from today i.e. 27.01.2020.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

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To

1. Judicial Magistrate Additional Mahila Court
Alandur, Chennai

2.The Inspector of Police
W-22, All Women Police Station
Madipakkam, St. Thomas Mount
Chennai
(Crime No.26/2019)

3.The Public Prosecutor,
Madras High Court.

Cr1.O.P.No.1510 of 2020

NMI (CO)
GMY (03/02/2020)