

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.4147 of 2020

Ramachandran

... Petitioner

Vs.

State represented by
The Inspector of Police,
Oragadam Police Station,
Kanchipuram District.
Cr.No.430 of 2019

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to modify the condition imposed by the Principal District and Sessions Judge, Kanchipuram District at Changalpattu by its order dated 14.02.2020 made in Crl.M.P.No.661 of 2020, as to execute a bond for sum of Rs.1,00,000/- instead of the condition that the petitioner has to deposit a sum of Rs.1,00,000/- as cash deposit.

For Petitioner : Mr.D.Magesh

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed to modify the condition imposed by the Principal District and Sessions Judge, Kanchipuram District at Changalpattu in Crl.M.P.No.661 of 2020 in Crime No.430 of 2019 dated 14.02.2020.

2. The learned counsel for the petitioner has submitted that the respondent has registered an FIR in Crime No. 430 of 2019 for the offence punishable under Sections 430 and 379 of IPC r/w 21(1)M.M.(D &R) Act. He further submitted that the respondent has seized the petitioner's Tipper Lorry bearing Regn.No.TN-76-V-6423 and produced before the Court and hence, the petitioner has filed Crl.MP.No.661 of 2020 seeking interim custody. He

further submitted that the learned Principal District and Sessions Judge by the order dated 14.02.2020 has allowed the said petition by imposing certain conditions; one such condition is (Condition No.2) that the petitioner shall deposit a sum of Rs.1,00,000/- before the Tahsildar, Sriperumpudur to the credit of the District Mines and Minerals Foundation Trust as Non refundable deposit. He further submitted that already this court in Crl.OP.No.31718 of 2019 while, the petitioner moved the anticipatory bail application, the petitioner and other accused were directed to deposit a sum of Rs.22,500/- each as non-refundable deposit to the credit of concerned District Mineral Foundation Trust and that being so, the condition imposed by the learned Principal District and Sessions Judge, is very onerous. Therefore, he prayed to modify the said condition and set aside the order.

3. Per contra, the learned Additional Public Prosecutor has submitted that since the petitioner's vehicle was used for transporting sand illegally, the said vehicle was seized. Considering the same, the learned Principal Sessions Judge has passed the aforesaid order and in the said order, this Court need not interfere.

4. Considering the submissions made by the learned counsel for the petitioner that already this Court in Crl.OP.No.31718 of 2019 has directed the petitioner herein and other accused persons to deposit a sum of Rs.22,500/- each as non-refundable deposit to the credit of the concerned District Mineral Foundation Trust and also considering the value of the vehicle, this Court is of the view that the aforesaid condition is onerous one and hence the said condition requires modification.

5. In the result, this Criminal Original petition is allowed. The aforesaid condition No.2 imposed in the order passed in Crl.M.P. No.661 of 2020 by the Principal District and Sessions Judge, Kancheepuram at Chengalpattu is modified to the effect that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the aforesaid Crime No.430 of 2019 before the District Munsif cum Judicial Magistrate, Sriperumpudur in as security.

Sd/-
Assistant Registrar

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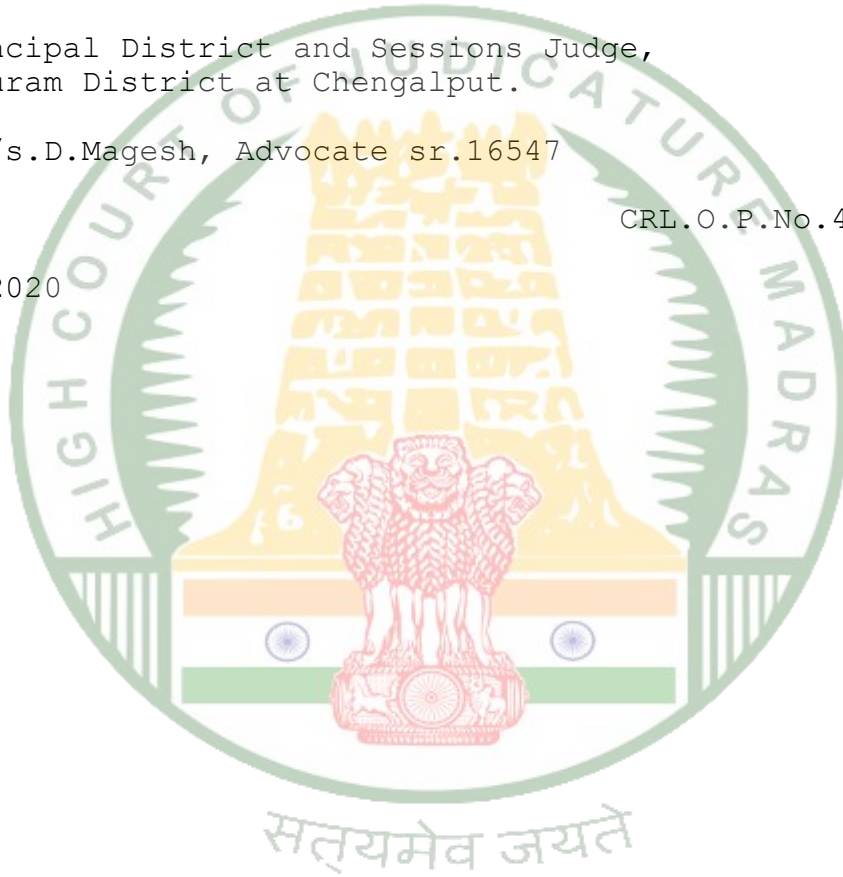
Sub Assistant Registrar

To

- 1.The Inspector of Police,
Oragadam Police Station,
Kanchipuram District.
 2. The Public Prosecutor,
High Court, Madras.
 - 3.The District Munsif Cum Judicial Magistrate,
Sriperumpudur.
 - 4.The Principal District and Sessions Judge,
Kanchipuram District at Chengalput.
- +1cc to M/s.D.Magesh, Advocate sr.16547

CRL.O.P.No.4147 of 2020

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