

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4919 of 2020\

Vijayachandran

... Petitioner

Vs.

State rep. By

The Inspector of Police,

J-8, Neelankarai Police Station,

Chennai District.

(Cr.No.30/2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the condition that the petitioner should deposit Rs1,00,000/- imposed in Crl.M.P.No.726 of 2020 order dated 05.02.2020 on the file of Sessions Judge of Kancheepuram District at Chengalpattu

For Petitioner : M/s.R.S.Indira

For Respondent : Mr. K.Prabakar

Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed seeking modification of the bail condition imposed on 05.02.2020 in Crl.M.P.No.726 of 2020 by the learned Principal Sessions Judge, Kancheepuram.

2. The learned counsel for the petitioner would submit that the petitioner along with other accused were arrested on 23.01.2020 in Crime No.30 of 2020 registered by the respondent police for the offences punishable under Sections 448, 323, 506 (i) IPC r/w.3 of TNPPDL Act. He would further submit that the petitioners therein were granted bail dated 05.02.2020 by the learned Principal Sessions Judge, Kancheepuram in Crl.M.P.No.726 of 2020, with the conditions that the petitioners shall deposit a sum of Rs.1,00,000/- (each) to the credit of Crime No. 30 of 2020". He would further submit that total damage was to the tune of Rs.2,00,000/- and however to exaggerate the complaint has been given by the defacto complainant for causing damage to the tune of Rs.10,00,000/-. As per the complaint, 4 computers and 1 two wheeler were damaged by the accused. He further submit that co-accused viz., Paul Arokya Dass was granted bail by the concerned Court and he has deposited an amount of Rs.1,00,000/- to the Credit of Crime No.30 of 2020 and he was released on

bail. However, this petitioner due to poor financial status is unable to mobilize funds, and hence, he is unable to comply with the condition and unable to come out on bail despite the bail being granted by the learned Principal Sessions Judge, Kancheepuram on 05.02.2020 and the petitioner has suffered incarceration from 23.01.2020. Hence he seeks to modify the condition imposed by the Court below.

3. Heard the learned Additional Public Prosecutor appearing for the respondent police.

4. In view of the submission made by the learned counsel for the petitioner, this Court modifies the said condition imposed by the learned Principal Sessions Judge, Kancheepuram, in CrI.M.P.No.726 of 2020 dated 05.02.2020 to the effect that the petitioner shall deposit a sum of Rs.25,000/- to the credit of Crime No. 30 of 2020. The other conditions imposed by the trial Court shall stand as it is.

5. Accordingly, this Criminal Original Petition is Modified.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

msrm

To

1. The Principal Sessions Judge, Kancheepuram,
2. The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai District.
3. The Public Prosecutor, सत्यमेव जयते
Madras High Court.

+1cc to Mr.R.S.Indira, Advocate, SR.No.23369.

GMR(CO)
CSR: 16.03.2020

CrI.O.P.No.4919 of 2020