

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5520 of 2020

A.Prathap

... Petitioner/Petitioner

Vs.

State Represented by,
The Inspector of Police,
H-1, Otteri Police Station,
Chengalpattu District

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to modify the condition Nos.2 & 3 imposed in Crl.M.P.No.252 of 2020 dated 24.02.2020 in Cr.No.377 of 2019 on the file of the Principal Sessions Judge of Kancheepuram District at Chengalpattu.

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

ORDER

This petition is filed to modify the condition Nos.2 & 3 imposed in Crl.M.P.No.252 of 2020 dated 24.02.2020 in Cr.No.377 of 2019 on the file of the Principal Sessions Judge of Kancheepuram District at Chengalpattu.

2.By consent of both sides, this Criminal Original Petition is taken up for final disposal.

3. The learned counsel for the petitioner would submit that in respect of Crime No.377 of 2019, the Principal Sessions Judge of Kancheepuram District at Chengalpattu was pleased to grant return of the vehicle to the petitioner in Crl.MP.No.252 of 2020 on 24.02.2020 on certain conditions, and two of the conditions were that the petitioner shall deposit a sum of Rs.1,00,000/- and the petitioner shall execute a bond of Rs.1,00,000/-. He further submits that the case is in investigation stage and the petitioner is seeking only interim custody of his own vehicle. He further submits that he is ready to produce original RC book

and undertaking. Hence, he prayed for modification in the condition Nos.2 & 3 imposed in Crl.M.P.No.252 of 2020 dated 24.02.2020

4. The learned Additional Public Prosecutor would submit that the conditions imposed by the learned Principal Sessions Judge, Kancheepuram District is not onerous one since the offence involved is serious in nature. Therefore, he sought for dismissal of the petition.

5. Heard, the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

6. It is pertinent to note here that earlier this Court has modified such condition in some other cases. Hence, this Court is inclined to modify only the condition No.2 in the order passed in Crl.M.P.No.252 of 2020 dated 24.02.2020.

7. In the result, this petition is partly allowed and the condition No.2 imposed by the learned Principal Sessions Judge, Kancheepuram District in Crl.M.P.No.252 of 2020 on 24.02.2020 is modified to the effect that the petitioner shall deposit Rs.50,000/- (Rupees fifty thousand only) whereas the other conditions shall remain intact.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge of
Kancheepuram District at Chengalpattu.

2.The Inspector of Police, Crimes,
H-1, Otteri Police Station,
Chengalpattu District.

3.The Public Prosecutor, High Court of Madras.

Crl.O.P.No.5520 of 2020

CA(CO)

CSR: 12.03.2020