

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5300 of 2020

Sudhagar

... Petitioner

Vs.

1. State represented by
The Inspector of Police,
M-3, Puzhal Police Station,
Chennai.
(Crime No.124 of 2019)

2. Sivasankar

... Respondents

PRAYER: This Criminal Original petition has been filed under Section 439(1)(b) of Criminal Procedure Code, to modify the condition imposed by the learned District Munsif-cum-Judicial Magistrate, Madhavaram (FAC) by an order dated 26.02.2020 made in C.M.P.No.163 of 2020 directing the petitioner to deposit a sum of Rs.3,50,000/-.

For Petitioner : Mr.C.Prabakaran

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 the petitioner in C.M.P.No.163/2020 dated 26.02.2020 by the learned District Munsif-cum-Judicial Magistrate, Madhavaram (FAC).

2. The learned Counsel for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 04.02.2020 for the offences under Sections 406, 420 of IPC and Section 4(1) 46(1) of Chit Fund Act. Subsequently, he was granted bail by the learned District Munsif cum Judicial Magistrate, Madhavaram (FAC), by an order dated 26.02.2020, on condition that the petitioner shall deposit a sum of Rs.3,50,000/- before the Court. However, since the petitioner

was inside the prison, he was not able to mobilize the fund and that the petitioner is still in judicial custody. He further submitted that if fifteen days time is granted to the petitioner from the date of his release from the prison, he could make arrangement to mobilize the fund and deposit the same before the Court. He also added that even as per the affidavit of the defacto complainant, which was filed before the learned District Munsif-cum-Judicial Magistrate, Madhavaram (FAC), the defacto complainant has agreed to get back the amount on or before 24.03.2020. Hence, he seeks for modification of the said condition.

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

4. Considering the above submissions, the condition No.1 that "the petitioner shall deposit a sum of Rs.3,50,000/- (Rupees Three lakhs Fifty Thousand Only) " imposed by the learned District Munsif-cum-Judicial Magistrate, Madhavaram (FAC), in Cr.M.P. No.163 of 2020 dated 26.02.2020, is suspended for a period of two weeks and the petitioner is ordered to be released on bail without imposition of condition No.1.

5. Further, the petitioner is directed to deposit the amount of Rs.3,50,000/- before the concerned Court within a period of two weeks from the date on which the petitioner executes bail bond.

6. If the petitioner does not deposit the said amount within the time stipulated by this Court, the learned Magistrate may take steps to issue warrant against the petitioner and to proceed in accordance with law.

7. Accordingly, this Criminal Original petition is ordered. The rest of the conditions shall remain intact.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS-IV)

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Sub Assistant Registrar

ksa-2

To

1.The District Munsif-cum-Judicial Magistrate,
Madhavaram (FAC).

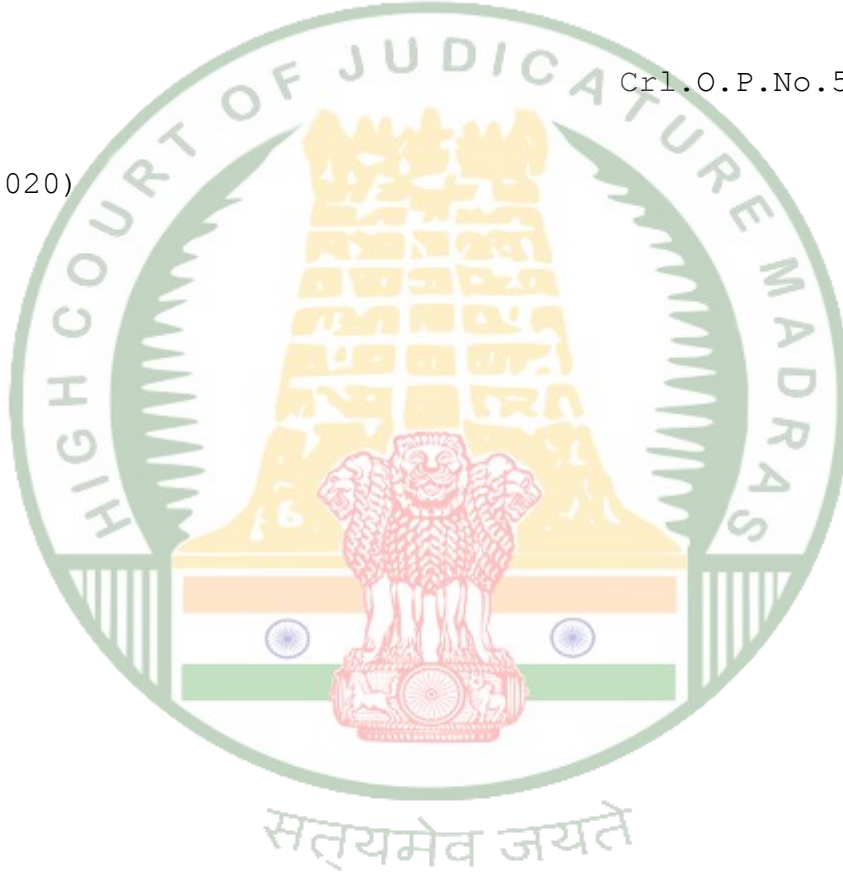
2.The Public Prosecutor,
Madras High Court.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No. 20779

+1cc to Mr.M.Velmuragan, Advocate, S.R.No. 21960 (12/03/2020)

Cr1.O.P.No.5300 of 2020

RSV(CO)
GN(11/03/2020)



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