

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.05.2020

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Crl.MP.No.4019 of 2020

in Crl.MP.No.2743 of 2020

in Crl.A.No.146 of 2020

Mohamed Musthafa

.... Petitioner/Petitioner/Appellant

Vs

State by : The Inspector of Police
B1, Bazaar Police Station
Coimbatore.

(Cr.No.577 of 2017)

... Respondent/Respondent/Respondent

Prayer :-Criminal Miscellaneous Petition filed under Section 389(1) r/w.482 of Cr.P.C., to modify the bail condition that the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) towards interim compensation before the trial Court, imposed in the order dated 19.03.2020 in Crl.M.P.No.2743 of 2020 in Crl.A.No.146 of 2020 and Sessions Court.

FOR PETITIONER : MR.P.PUGALENTHI

FOR RESPONDENT : MR.R.RAVICHANDRAN

ORDER

This petition is filed to modify the bail condition imposed by this Court in Crl.M.P.No.2743 of 2020 in Crl.A.No.146 of 2020

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the State.

3. The learned counsel for the petitioner submitted that this Court Vide its Order dated 19.03.2020 in Crl.MP.No.2743 of 2020 in Crl.A.No.146 of 2020, has granted bail to the petitioner with certain conditions, one of such conditions is to deposit a sum of Rs.1,50,000/- before the trial Court, as interim compensation. He submitted that from 24.03.2020, lock down has been imposed in various parts of the country, in view of the Corona pandemic, owing to which, the petitioner could not mobilise amount of Rs.1,50,000/-. He further added that even if the petitioner/accused comes out on bail, in these days of pandemic when most people run without money, it is difficult for him to mobilise the entire amount of Rs.1,50,000/-, and submitted that at the best, the petitioner can mobilise only Rs.50,000/-.

4. The learned Government Advocate (Crl. Side), on instructions submitted that the petitioner indeed has properties.

5. The learned counsel for the petitioner conceded that the petitioner has one property, but to sell the property, may be difficult in these COVID-19 days, and that cannot be attempted now, even if the petitioner is released on bail.

6. After weighing the rival submissions and given the fact that the country is reeling under pandemic, where economic activities have substantially come to a stand-still, this Court considers that the condition to deposit Rs.1,50,000/- before the trial Court, which might have been reasonable in normal circumstances, may be onerous in the present situation. Hence, this Court decides to modify the condition imposed on the petitioner in paragraph No.7(i) of the Order of this Court dated 19.03.2020 in Crl.MP.No.2743 of 2020 in Crl.A.No.146 of 2020, and directs the petitioner to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) instead of Rs.1,50,000/-.

7. This petition is ordered accordingly.

-sd/-

29/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE V ADDITIONAL DISTRICT AND
SESSIONS COURT, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
B-1, BAZAAR POLICE STATION,
COIMBATORE.

C.C. to MR.P.PUGALENTHI Advocate on payment of necessary
charges

Order

in

CRL MP.4019/2020

in

CRL.MP.2743/2020

in

CRL.A.146/2020

Date :29/05/2020