

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDRA**

Crl.O.P.No.10440 of 2020

Nagabhoosanam,
S/o. Munusamy,
Male aged about 44 years,
Bajanai koil Street, 87,
Veppampattu,
Tiruvallur District and Taluk. ... Petitioner

-Vs-

State rep. by
The Inspector of Police,
Sevvapet Police Station.
(Cr.No. 1229 of 2020) ... Respondent

Prayer: Criminal Original petition filed under Section 439 (1)(b) of Code of Criminal Procedure praying to modify the condition passed by the Hon'ble Prl.District and Sessions Judge, Tiruvallur in O.L.B.P.No 905 of 2020, dated 17.06.2020 directing the petitioner shall deposit a sum of Rs. 40,000/- before the said Magistrate to the credit of Cr.No.1229 of 2020 of Sevvapet Police Station.

For Petitioner : Mr.M. Jai Kumar
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The learned counsel for the Petitioner would submit that the Petitioner is arrayed as an accused in Crime No.1229 of 2020, registered by the Respondent for the offences punishable under Sections 379 & 430 of I.P.C., for alleged to have been transported two units of sand illegally. He would submit that the petitioner approached the learned Sessions Judge seeking for Anticipatory Bail in O.L.B.P No. 905 of 2020 and the learned Principal District and Sessions Judge, Trivallore was pleased to grant Anticipatory Bail on 17.06.2020 with the condition that the Petitioner shall deposit a sum of Rs. 40,000/- (Rupees Forty Thousand only) before the concerned Magistrate to the credit of Crime No.1229 of 2020 within a period of one month from the date of receipt of a copy of this order. He would submit that due to present Covid-19 situation and petitioner's present financial status, he is unable to deposit the said of amount of Rs.40,000/- and thereby the present petition has been filed seeking for modification of the said condition.

2. The learned Additional Public Prosecutor would vehemently opposed stating that the petitioner is the owner of the lorry and he has illegally transported two units of river sand in his lorry. He would further submit that, in similar cases, this Court normally directs the accused to make non-refundable deposit according to the units of sand illegally transported.

3. Taking into consideration the above facts and circumstances, the condition imposed by the learned Principal District and Sessions Judge, Trivallore, in O.L.B.P No.905 of 2020 dated 17.06.2020, directing the petitioner to deposit a sum of Rs. 40,000/-, before the said Magistrate to the credit of Crime No. 1229 of 2020, of Sevvapet Police Station is modified to the effect that the Petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand Only) through RTGS/NEFT in favour of the **Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.A/c.No.117201000000070 IFS Code IOBA0001172 CMPRF AAAGC0038F**, within a period of two weeks from the date of receipt of a

copy of this order and that the rest of the conditions shall remain intact.

4. Post the matter for 'Reporting Compliance' on 31.07.2020.

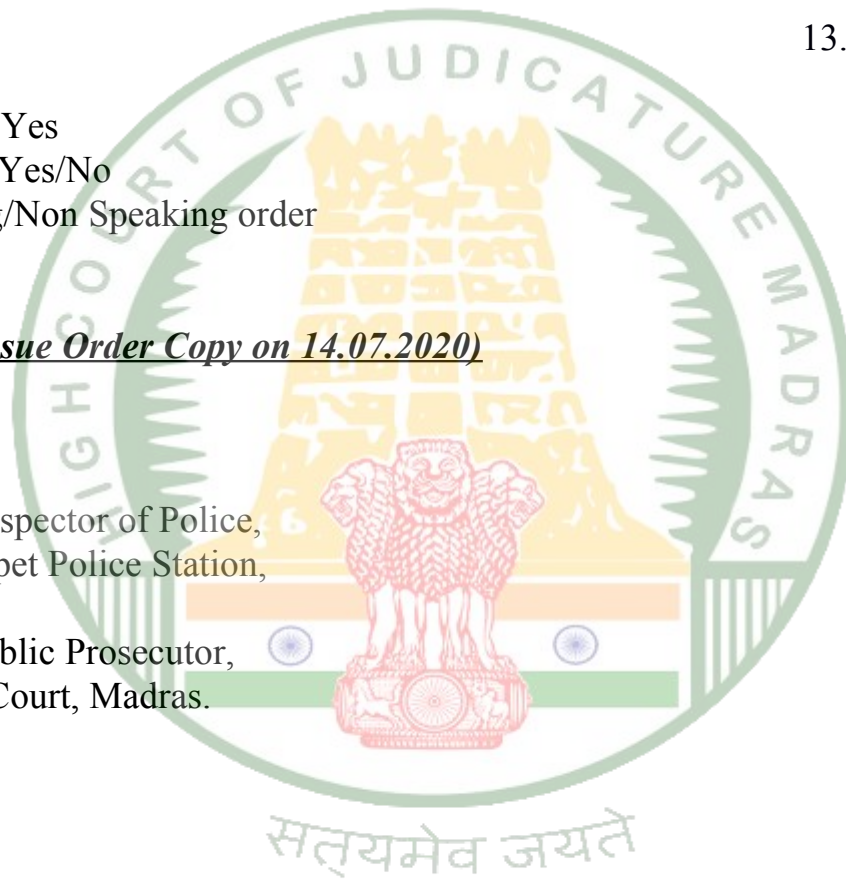
13.07.2020

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Pns

(Note: Issue Order Copy on 14.07.2020)

To

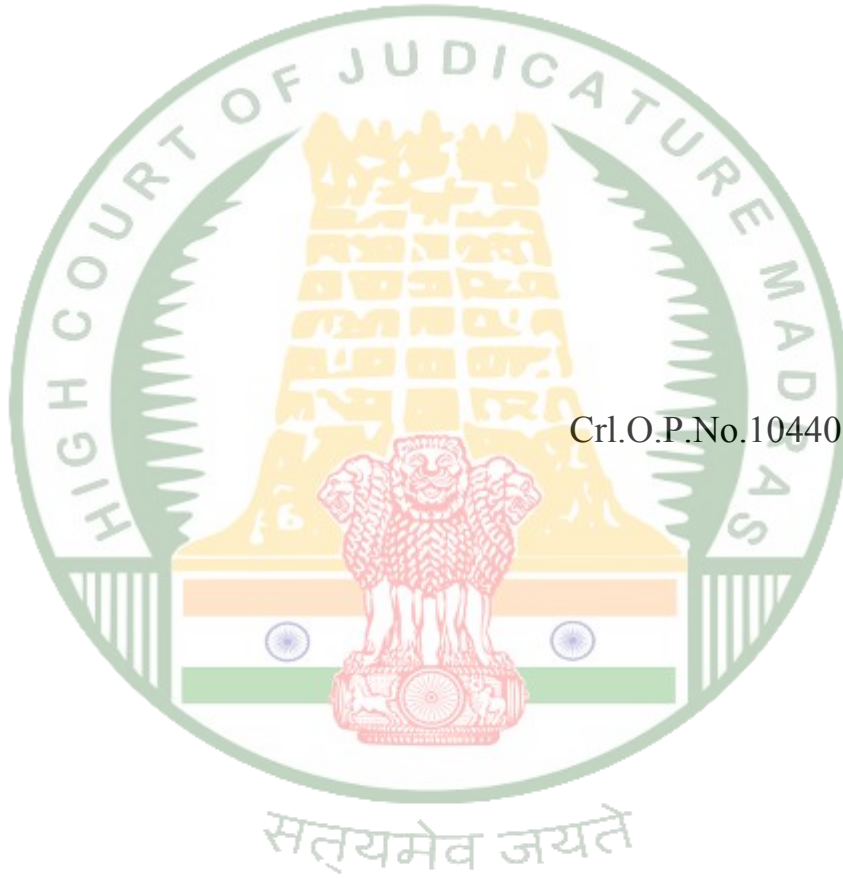
1. The Inspector of Police,
Sevvapet Police Station,
2. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDRA.J.,

Pns



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