

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.11114 of 2020

1.Vinoth
S/o.Mangalsingh

2.Ajaikushwa
S/o.Kedarsingh

... Petitioners

Vs.

The State rep by its
The Inspector of Police
Salem Steel Plant Police Station,
Salem District.
(Crime No.124 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 (1) (b) of Cr.P.C., to modify the condition of the Judicial Magistrate – I, Salem, order made in C.M.P.No.1160 of 2020, dated 09.07.2020 (iii) the petitioners are directed to deposit each sum of Rs.1,00,000/- to the Judicial Magistrate No.I, Salem.

For Petitioners : Mr.W.Camyles Gandhi
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 120(b), 449 & 302 of IPC in Crime No.124 of 2020, on the file of the respondent police.

2.The petitioners are coolie workers and doing whatever jobs is available for them and eking out their livelihood based on the coolie work for which they are entrusted. While so, imposition of the condition of payment of Rs.1,00,000/- (Rupees One Lakhs Only) as cash security as per the condition No.III of the lower Court would become onerous for the petitioner to comply with the same. In view of the same, the petitioners have filed this petition seeking modification.

3.It is seen that the lower Court has granted bail to the petitioners on 09.07.2020 and this bail is a statutory bail under Section

167(2) Cr.P.C. At that time, this condition No.III had been imposed. It is seen that though the petitioners were granted bail on 09.07.2020 till date, they are unable to come out since they were unable to comply the condition No.III of the lower Court. It is not in dispute that the petitioners hail from Uttarpradesh and they were eking out their livelihood by doing coolie work and as such, directing them to deposit a sum of Rs.1,00,000/- (Rupees One Lakhs Only) would be certainly onerous one.

4.In view of the same, this Court is inclined to set aside the condition No.III alone. Accordingly, this Petition is allowed to the extent that the condition No.III imposed by the lower Court in the order dated 09.07.2020 in C.M.P.No.1160 of 2020, directing the petitioners to deposit each sum of Rs.1,00,000/- to the Judicial Magistrate No.I, Salem is hereby set aside.

gbi

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Note: Issue Order Copy on 04.12.2020.

M.NIRMAL KUMAR.J.,

gbi

To

- 1.The Inspector of Police
Salem Steel Plant Police Station,
Salem District.
- 2.The Public Prosecutor,
High Court of Madras.



Crl.O.P.No.11114 of 2020

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