

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

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

Crl.O.P.No.15704 of 2020

Kannan, S/o.Sekar

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
J-2, Adayar Traffic Investigation Wing, Chennai.
(Crime No.213 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed in para 6(b) of the order dated 21.09.2020 made in Crl.M.P.No.9094 of 2020 on the file of the Court of Sessions at Chennai.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This petition has been filed to to modify the condition imposed in para 6(b) of the order dated 21.09.2020 made in Crl.M.P.No.9094 of 2020 on the file of the Court of Sessions at Chennai.

2.The learned counsel for the petitioner would submit that the petitioner was arrested on 19.08.2020 and remanded to judicial custody in relating to a case in Crime No.213 of 2020 registered by the respondent police for the offence punishable under Section 184 and 185 of M.V.Act read with 304(ii) IPC and Sections 184 & 185 of M.V.Act. He would submit that the petitioner was originally granted bail by the Principal Sessions Court, Chennai, in Crl.M.P.No.9094 of 2020, dated 21.09.2020, on condition that the petitioner shall deposit a sum of Rs.50,000/-(Rupees fifty thousand only) to the credit of Crime No.213 of 2020 before the said Court and the said amount is ordered to be disbursed to the victim's family on proper identification. He further submitted that the petitioner was working in a small hotel-cum- Bakery and getting a meagre salary. Further, the petitioner has no relative in Chennai. Therefore, the petitioner is unable to comply with the condition to deposit a

sum of Rs.50,000/-(Rupees fifty thousand only) to the credit of Crime No.213 of 2020. Hence, he sought for modification of the condition imposed and this Court by order dated 06.10.2020 was pleased to modify with the condition directing the petitioner to pay the amount after he comes out on bail. However, the learned counsel submitted that the petitioner was unable to comply with the condition since he was unable to mobilise the funds due to poverty and the petitioner was unable to utilize the order passed by this Court and thereby the petitioner was released on statutory bail under Section 167 (ii) after a period of 90 days. The learned counsel would submit that since the petitioner has not utilized the bail order passed, by the learned Principal Sessions Court, Chennai in Crl.M.P.No.9094 of 2020 dated 21.09.2020 and the subsequent order of modification passed by this Court in Crl.O.P.No.15704 of 2020 dated 06.10.2020, the non-compliance may be recorded and the petition may be closed.

3. Taking into consideration that the petitioner has not utilized the bail order passed by the learned Principal Sessions Court, Chennai in Crl.M.P.No.9094 of 2020 dated 21.09.2020 and also the order passed by this Court in Crl.O.P.No.15704 of 2020 dated 06.10.2020, this Criminal Original

Petition stands closed.

21.12.2020

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A.D.JAGADISH CHANDIRA, J.

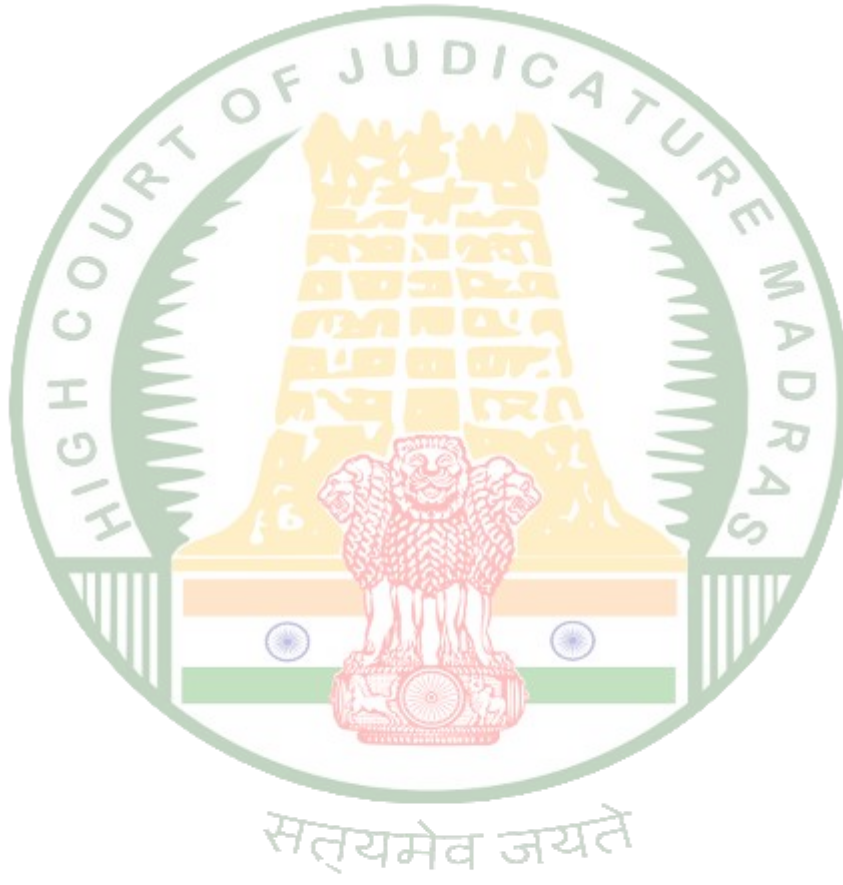
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To

- 1.The learned XVII Metropolitan Magistrate, Chennai.
- 2.The Principal Sessions Court, Chennai,
- 3.The Inspector of Police,
J-2, Adayar Traffic Investigation Wing,
Chennai
- 4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No. 15704 of 2020

21.12.2020



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