

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM

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

Crl.O.P.Nos.19482 & 20014 of 2020

Gopal
S/o.Palanivelu ... Petitioner in Crl.O.P.No.19482 of 2020

Prakasam
S/o.Palaniappan ... Petitioner in Crl.O.P.No.20014 of 2020

Vs.

The State Rep. By:
The Sub-Inspector of Police,
Rasipuram Police Station,
Namakkal District.
(**Crime No.1660 of 2020**) ... Respondent in both Crl.O.Ps

Common Prayer: Criminal Original Petitions filed under Section 439 Cr.P.C. to RELAX the condition No.2 in the bail order in CMP.Nos.1092 & 1050 of 2020 dated 23.11.2020 on the file of Court of the learned Principal Sessions Court, Namakkal and permit the petitioner to execute a bond for Rs.10,000/- along with Two sureties each for like sum to enlarge the petitioner on bail pending investigation in Crime No.1660 of 2020 on the file of respondent police, Rasipuram.

In Both Petitions

For Petitioner : Mr.R.Sankarasubbu

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

COMMON ORDER

(These cases have been heard through video conference)

These Criminal Original petitions have been filed seeking for modification of the bail condition imposed on 23.11.2020 in C.M.P.No.1050 of 2020 by the learned Principal Sessions Judge, Namakkal.

2.The petitioners, who were arrested and remanded to judicial custody on 30.10.2020 for the offence punishable under Section 379 of IPC and 21(1) of MMDR Act 1957, in Crime No.1660 of 2020 on the file of the respondent police bail.

3.The learned counsel appearing for the petitioners would submit that the petitioner in Crl.O.P.No.19482 of 2020 is the driver and the petitioner in Crl.O.P.20014 of 2020 is the owner of the vehicle / lorry.

4.The case of the prosecution is that the petitioner in Crl.O.P.No.19482 of 2020 was found to be illegally transporting two units of savudu sand. He would submit that this Court while granting an order generally in respect of two units of savudu sand, the petitioner will be directed to deposit a sum of Rs.15,000/- per unit. Accordingly, for two units the deposit comes to Rs.30,000/-, whereas the trial Court had directed the petitioners to make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakhs Only) each by way of demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the Namakkal District, without prejudice to the defence before this Court and the receipt/challan shall be produced before this Court. He would submit that the petitioners were arrested on 30.10.2020, because of the onerous condition imposed by the Lower Court, the petitioners are unable to come out on bail and are still in custody thereby, would seek to modify the conditions imposed with regard to the deposit of amounts.

5.Heard both sides.

6.Considering the above submissions, the condition imposed on the petitioners by the lower Court in Clause (ii) to deposit a sum of Rs.1,00,000/- (Rupees One Lakhs Only) each by way of demand draft to the credit of the

Chairman/District Collector, District Mineral Foundation Trust of the Namakkal District, is modified to the effect that the petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each at the time of execution of sureties. The other conditions shall remain intact.

7. Accordingly, these Criminal Original petitions are ordered. The rest of the conditions shall remain intact.

17.12.2020

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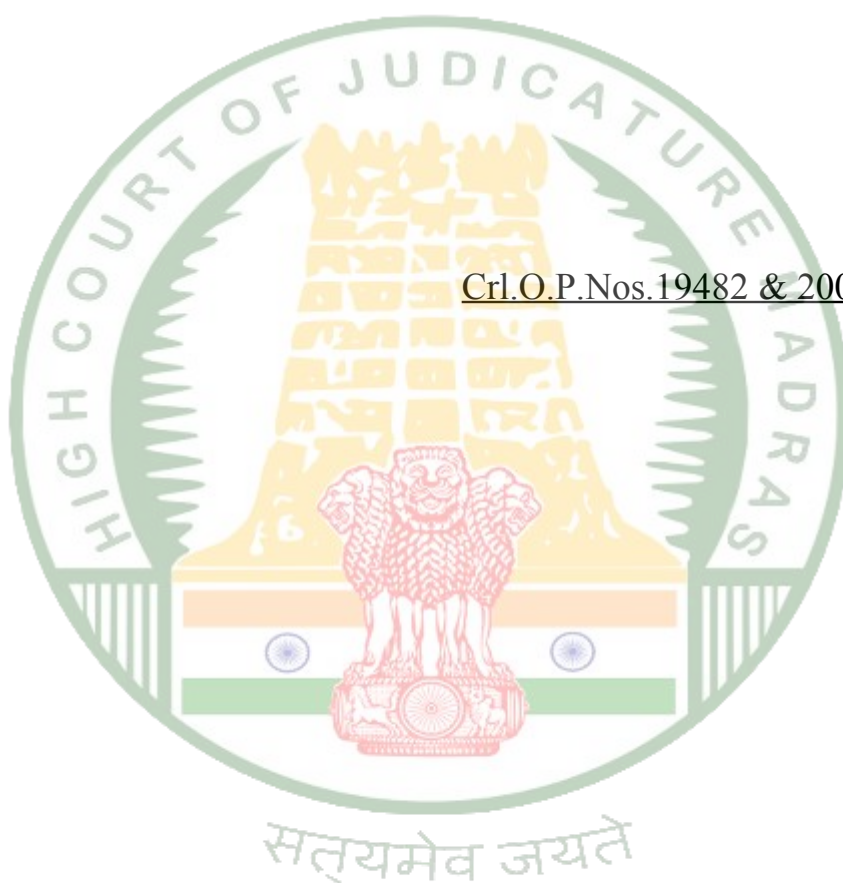
- 1.The Principal District Sessions Judge,
Namakkal.
- 2.The Central Prison,
Salem.
- 3.The Sub-Inspector of Police,
Rasipuram Police Station,
Namakkal District.
- 4.The Public Prosecutor,
High Court, Madras
Chennai 600 104



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