

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

CrI.O.P.No.33766 of 2019

Padmanathan

... Petitioner

Vs.

State Rep. by  
The Inspector of Police  
J J Nagar Police Station  
Chennai  
Cr.No.482 of 2019

... Respondent

PRAYER: Criminal Original petition has been filed under Sections 439(1)(B) of the Code of Criminal Procedure, to modify the conditions imposed in CMP No.5169 of 2019 dated 27.11.2019 on the file of the learned Judicial Magistrate, Ambattur.

For Petitioner: Mr.S.V.S.Ilamvazhuthi  
For Respondent: Mrs. S.Thankira  
Government Advocate (CrI. Side)

O R D E R

This Criminal Original petition has been filed seeking to modify the conditions imposed in CMP No.5169 of 2019 dated 27.11.2019 on the file of the learned Judicial Magistrate, Ambattur.

2.The petitioner was granted bail on 27.11.2019 by the learned Judicial Magistrate, Ambattur, Chennai, in CrI.M.P.No.5169 of 2019 and one of the bail conditions stipulated therein was that "the petitioner shall be enlarged on bail on depositing 50% of the pledge money i.e. 52,500/- to the credit of this case".

3.Petitioner admittedly borrowed a sum of Rs.52,500/- by pledging his gold jewellery with the defacto complainant. It is now found that the jewellery pledged by the petitioner is a fake jewellery. In the bail order, the Trial Court directed the petitioner to deposit Rs.52,500/- being the value of the debt repayable on the jewellery.

4.The learned counsel for the petitioner submitted since the petitioner is in judicial custody, he could not mobilize the said sum. He further submitted that if some reasonable time is granted after his release, he will be in a position to deposit the conditional amount of Rs.52,500/-. Accordingly, prays for appropriate orders.

5.In the light of the above, the condition imposed on the petitioner in CrI.M.P.No.5169 of 2019 dated 27.11.2019 shall be modified to the effect that the deposit of Rs.52,500/- will not be a pre-condition but after releasing the petitioner on bail. The petitioner is now directed to deposit a sum of Rs.52,500/- within a period of four weeks from the date of which he offers sureties in terms of the original order.

6.The learned Judicial Magistrate, is now required to monitor this and proceed against the petitioner in case of his default.

7. With the above direction, this Criminal Original Petition is disposed of.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate  
Ambattur

2.The Inspector of Police  
J J Nagar Police Station  
Chennai  
Cr.No.482 of 2019

3.The Public Prosecutor,  
Madras High Court.

+1 CC to Mr.S.V.S.Ilamvazhuthi, Advocate sr 5461.

CrI.O.P.No.33766 of 2019

VSNII (CO)  
SP(31/01/2020)