



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/06/2020

CORAM

THE HON`BLE MR.JUSTICE M.DHANDAPANI

CRL OP(MD). No.6185 of 2020

WEB COPY

Alagesan,
S/o. Thangavel, No.180, Vellalar Street,
M.Pudupatti Post, Musiri Taluk, Trichy
District..

... Petitioner/Petitioner

Vs

State rep. by
The Inspector of Police,
Musiri Police Station, Musiri, Trichy
District. Cr.No. 107 of 2020.

... Respondent/Complainant

Prayer: Petition filed for relaxation under Sec.439(1)(b) of Cr.P.C, praying to modify the 1st condition the petitioner shall deposit a sum of Rs.15,000/-as non refundable deposit to the credit of the District Mineral Foundation Trust, Tiruchirappalli imposed by the Learned Principal Sessions Judge,Trichy in Crl.MP.No.1567 of 2020 dated 05.06.2020.

For Petitioner : M/s.K.Arunraj

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

ORDER

This petition has been filed to relax the condition imposed on the petitioner in Crl.MP.No.1567 of 2020 dated 05.06.2020 on the Learned Principal Sessions Judge,Trichy.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.107 of 2020, on the file of the respondent Police, for the offences under Sections 379 of IPC, r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. The learned Principal Sessions Judge, Trichy, while granting bail to the petitioner on 05.06.2020, imposed one of the conditions that the petitioner shall deposit a sum of Rs.15,000/-, as non-refundable deposit, to the credit of the District Mineral Foundation Trust, Tiruchirappalli, without prejudice to his rights and contentions before the trial Court. The learned counsel would further submit that the petitioner is taking care of his family through the meager income derived from his work. In such circumstances, the petitioner is unable to deposit the amount of Rs.15,000/- as directed by the Court below. Hence, he prayed for modification of the amount.



3. The learned Government Advocate (Crl. Side) appearing for the State, on instructions, would submit that the petitioner has moved Bail Application before the Principal Sessions Court, Trichy in Cr.M.P.No.1567 of 2020, for the alleged offences under Sections 379 of IPC, r/w Section 21 of Mines and Minerals (Development and Regulation) Act, 1957. The Court below, while granting bail to the petitioner on 05.06.2020, imposed one of the conditions that the petitioner shall deposit a sum of Rs.15,000/-, as non-refundable deposit to the credit of the District Mineral Foundation Trust, Tiruchirappalli, without prejudice to his rights and contentions before the trial Court and the petitioner has moved this application, for the aforesaid relief.

4. I have heard the learned counsel appearing on either side and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is inclined to modify one of the conditions as follows:

"The petitioner shall deposit a sum of Rs.10,000/-, (Rupees Ten Thousand) as non-refundable deposit, to the credit of the District Mineral Foundation Trust, Tiruchirappalli, without prejudice to his rights and contentions before the trial Court, instead of Rs.15,000/-, as ordered by the Court below, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1. The Principal Sessions Judge, Trichy
2. The Inspector of Police, Musiri Police Station, Musiri, Trichy Dt
3. The District Mineral Foundation Trust, Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN

CRL OP(MD) No.6185 of 2020

Date : 16/06/2020.

SMA/17/07/2020/2P/5C