



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2020**

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.(MD)No.7550 of 2020

WEB COPY

1.Ganesan
2.Kuthayi
3.Thirumurugan
4.Sumathi

: Petitioners/Accused Nos.1 to 4

Vs.

The Inspector of Police,
Mudukulathur Police Station,
Crime No.234 of 2020,
Ramanathapuram District.

: Respondent /Complainant

Prayer: Petition is filed under Section 482 of the Code of Criminal Procedure praying to modify the conditional order passed on 18.05.2020 by the learned Principal District and Sessions Judge, Ramanathapuram District, in relating to Crime No.234 of 2020 on the file of the respondent police, Mudukulathur, Ramanathapuram District.

For Petitioners : Mr.A.Arputharaj

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

ORDER

The present petition has been filed seeking to modify the condition imposed by the learned Principal District and Sessions Judge, Ramanathapuram, vide order dated 18.05.2020 in Crl.M.P.No.951 of 2020 relating to Crime No.234 of 2020 on the file of the respondent police.

2. The petitioners are accused Nos.1 to 4 in Crime No.234 of 2020 on the file of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 336, 427 and 506(ii) of the Indian Penal Code. Earlier, the petitioners have approached the learned Principal District and Sessions Judge, Ramanathapuram, seeking for anticipatory bail and the Court below has granted anticipatory bail with a condition, directing the petitioners to deposit a sum of Rs.25,000/- [Rupees Twenty Five Thousand only] **each** to the credit of Ramanathapuram District Mineral Foundation Trust. Now, to modify the said condition, the present petition has been filed.

3. The learned counsel appearing for the petitioners



submitted that the allegation in the First Information Report is that due to wordy quarrel between the petitioners and the *defacto* complainant, the petitioners said to have damaged the mobile phone worth about Rs.4,000/- [Rupees Four Thousand only] and also caused minor injuries to the *defacto* complainant. But the learned Sessions Judge has mechanically passed an order directing the petitioners to deposit a sum of Rs.25,000/- [Rupees Twenty Five Thousand only] **each** to the credit of Ramanathapuram District Mineral Foundation Trust.

4. Heard the learned Government Advocate (Criminal side) appearing for the respondent police and also perused the records.

5. From the perusal of records, it could be seen that the allegation against the petitioners is that they have a wordy quarrel with the *defacto* complainant and during that quarrel, they said to have attacked the *defacto* complainant and caused minor injuries and also caused damage to the mobile phone worth about Rs.4,000/- [Rupees Four Thousand only]. However, the learned Sessions Judge, without assigning any reason whatsoever, simply directed the petitioners to deposit a sum of Rs.25,000/- [Rupees Twenty Five Thousand only] **each** to the credit of Ramanathapuram District Mineral Foundation Trust. It is not known on what ground the learned Sessions Judge imposed such an onerous condition on the petitioners for a petty offence like this.

6. Considering the above facts and circumstances of the case, I am inclined to modify the aforesaid condition. Accordingly, the condition imposed on the petitioners is modified to the effect that the petitioners shall deposit a sum of Rs.4,000/- [Rupees Four Thousand only] to the credit of Crime No.234 of 2020 before the learned Judicial Magistrate, Mudukulathur, within a period of two weeks from the date of receipt of a copy of this order. The other conditions imposed by the learned Sessions Judge, vide order dated 18.05.2020, stand unaltered.

7. This Criminal Original Petition is ordered accordingly.

Sd/-

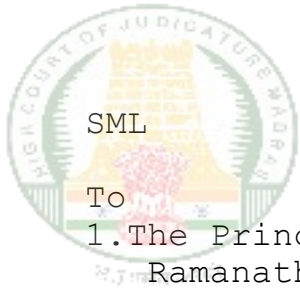
Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Principal District and Sessions Judge,
Ramanathapuram District,Ramanathapuram.

2.The Judicial Magistrate,
Mudukulathur, Ramanathapuram District.

3.The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.7550 of 2020

Dated: 31.07.2020

KK(07.08.2020) 3P 5C