



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated : **14.08.2020**
PRESENT

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD)No.8371 of 2020

M.Vellaisamy : Petitioner/Sole Accused

Vs.

State through
The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.
(Crime No.154 of 2020).

: Respondent/Complainant

PRAYER :- Petition is filed under Section 439(i)(b) of the Code of Criminal Procedure praying to modify the Para No.7 in Crl.M.P.No.2817 of 2020, order passed by the learned Principal District and Sessions Judge, Pudukkottai, dated 24.07.2020.

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

ORDER

The present petition has been filed to modify the condition imposed by the learned Principal District and Sessions Judge, Pudukkottai, vide order dated 24.07.2020 in Cr.M.P.No.2817 of 2020.

2. The petitioner is the sole accused for the offences punishable under Section 379 of the Indian Penal Code r/w Sections 21(1) and 21(2) of the Mines and Minerals (Development and Regulation) Act, 1957. The allegation is that the petitioner transported 200 Kilograms of river sand in a two wheeler without permit. Hence, crime was registered. While granting anticipatory bail, the Court below has directed the petitioner to deposit a sum of Rs.10,000/- [Rupees Ten Thousand only] as cash security and also execute a bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Illuppur. Contending that the petitioner is a poor agriculturist and he is not in a position to deposit the said sum of Rs.10,000/- [Rupees Ten Thousand only], the present petition has been filed to modify the said condition.



3. Heard the learned Government Advocate (Criminal side) appearing for the respondent police.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioner being a poor agriculturist, this Court is inclined to modify the aforesaid condition. Accordingly, the condition stands modified to the effect that the petitioner shall execute an own bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] instead of cash security. The other conditions imposed by the learned Principal District and Sessions Judge, Pudukkottai, vide order dated 24.07.2020, stand unaltered.

5. In fine, this Criminal Original Petition is ordered.

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.

SML

To

1.The Principal District and Sessions Judge,
Pudukkottai.

2.The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.

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

Order made in
CRL.O.P. (MD) . No.8371 of 2020

Dated : 14.08.2020

CS (21.08.2020) 2P 4C