



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 14.08.2020

WEB COPY

PRESENT

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) No.8420 of 2020

1.Murugesan
2.Kalaivani

: Petitioners/Petitioners

Vs.

The State rep. by
The Inspector of Police,
Thiruppullani Police Station,
Ramanathapuram District.
Crime No.225 of 2020.

: Respondent/Complainant

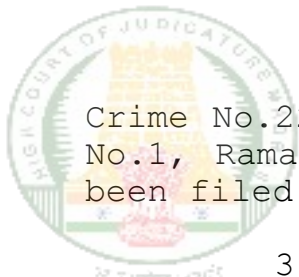
PRAYER :- Petition is filed under Section 439(I)(b) r/w Section 482 of the Code of Criminal Procedure praying to modify the condition in the order dated 04.08.2020 made in CrI.M.P.No.1770 of 2020 on the file of the learned Principal District and Sessions Judge, Ramanathapuram, insofar as imposing the condition to pay the sum of Rs.20,000/- as onerous.

For Petitioners : Mr.J.Vishnu
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, Ramanathapuram, vide order dated 04.08.2020 made in Cr.M.P.No.1770 of 2020.

2. The petitioners are Accused Nos.1 and 2 in Crime No.225 of 2020 for the alleged offences punishable under Sections 341, 294 (b), 323, 436, 506(ii) and 379 of the Indian Penal Code and they were arrested and remanded to judicial custody on 28.07.2020 and hence, seeking bail, they filed an application in Cr.M.P.No.1770 of 2020 before the learned Principal District and Sessions Judge, Ramanathapuram. The Court below has granted bail to the petitioners subject to the condition that the petitioners should deposit a sum of Rs.20,000/- [Rupees Twenty Thousand only] **each** to the credit of



Crime No.225 of 2020 on the file of the learned Judicial Magistrate No.1, Ramanathapuram. To modify the same, the present petition has been filed.

3. The allegation against the petitioners is that the petitioners have set fire to the house of the *defacto* complainant and also two wheeler worth about Rs.4,00,000/-[Rupees Four Lakhs only].

4. The learned counsel appearing for the petitioners would submit that the petitioners are working under the *defacto* complainant and residing in the agricultural field. The *defacto* complainant and his men are trying to evict the petitioners forcibly and they have also given a false complaint against the petitioners. Since the petitioners are agricultural coolies, they are not in a position to deposit the amount, as directed by the Court below and hence, they seek for modification of the said condition.

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

6. Considering the facts and circumstances of the case and also considering the gravity of offence and also taking into consideration the fact that the petitioners claim to be the agricultural coolies, this Court is inclined to modify the condition. Accordingly, the condition stands modified to the effect that the petitioners shall deposit a sum of Rs.10,000/- [Rupees Ten Thousand only] **each** to the credit of Crime No.225 of 2020 on the file of the learned Judicial Magistrate No.1, Ramanathapuram. The other conditions imposed by the learned Principal District and Sessions Judge, Ramanathapuram, vide order dated 04.08.2020, stand unaltered.

7. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SML

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.

2.The Judicial Magistrate No.1,
Ramanathapuram.

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

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

Order made in
CRL.O.P. (MD) . No.8420 of 2020

Dated : 14.08.2020

scr(CO)

TR(21.08.2020) 3P 5C