



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 17/08/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8417 of 2020

Boominathan, S/o. Andy,
2/120 Nambiyavalasai, Kuthakottai,
Ramanathapuram District..

... Petitioner/Petitioner

Vs

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

... Respondent/Complainant

For Petitioner : M/s.J.Vishnu, Advocate.

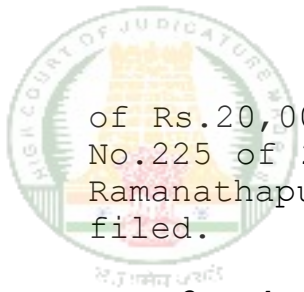
For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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 Crl.MP.No.1762 of 2020 on the file of the Principal District and Sessions Judge, Ramanathapuram in so far as the petitioner shall stay at Thondi and appear before the Inspector of Police, Thondi Police Station daily at 10.00a.m. Until further orders and imposing the condition to pay a sum of Rs.20,000/-.

ORDER

This petition has been filed seeking modification of the order, dated 04.08.2020 in Crl.MP.No.1762 of 2020 passed by the learned Principal District and Sessions Judge, Ramanathapuram.

2. The petitioner is Accused No.3 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 he has filed a petition seeking anticipatory bail in Cr.M.P.No.1762 of 2020 before the learned Principal District and Sessions Judge, Ramanathapuram. The Court below has granted anticipatory bail to the petitioner subject to the condition that the petitioner should deposit a sum



of Rs.20,000/- [Rupees Twenty Thousand only] 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 petitioner is that the petitioner along with other accused 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 petitioner would submit that the petitioner is working under the *defacto* complainant and residing in the agricultural field. The *defacto* complainant and his men are trying to evict the petitioner forcibly and he has also given a false complaint against the petitioner. Since the petitioner is an agricultural coolie, he is not in a position to deposit the amount, as directed by the Court below and hence, he seeks 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 petitioner claims to be the agricultural coolie, this Court is inclined to modify the condition. Accordingly, the condition stands modified to the effect that the petitioner shall deposit a sum of Rs.10,000/- [Rupees Ten Thousand only] 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, stands unaltered.

7. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (CS-II)

// 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.



1. The Principal District and Sessions Judge,
Ramanathapuram.
2. The Judicial Magistrate No.I,
Ramanathapuram.
3. The Chief Judicial Magistrate,
Ramanathapuram District.
4. The Inspector of Police,
Thiruppullani Police Station,
Ramanathapuram District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.8417 of 2020
Date : 17/08/2020

KSA
SDS (25.08.2020) 3P-6C