



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2020

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CRL OP(MD). No.9729 of 2020

M.Murugan

... Petitioner

Vs

The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District
Crime No.744 of 2020.

... Respondent

PRAYER :- Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C, to modify the condition imposed in Cr.M.P.No.3371 of 2020, dated 03.09.2020 on the file of the Principal District and Sessions Judge, Pudukkottai sofar as regards the deposit money sum of Rs.40,000/- as a cash security before the learned Judicial Magistrate No.I, Pudukkottai District alone, in connection with the Crime No.744 of 2020, on the file of the respondent police by allowing this petition.

For Petitioner

: Mr.G.Mathavan,

For Respondent

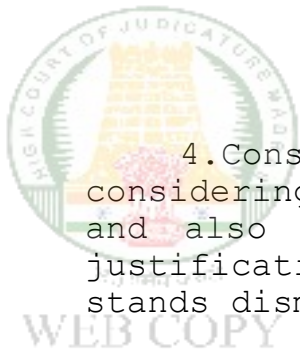
: Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

ORDER

The petitioner, who is arrayed as A-2, apprehending arrest at the hands of the respondent police for the offence under Sections 379 of IPC and 21(1)(2) of Tamil Nadu Mines and Minerals Development and Regulation Act in Crime No.744 of 2020. Earlier the petitioner approached the Principal District and Sessions Judge, Pudukkottai seeking anticipatory bail in Cr.M.P.No.3371 of 2020 and the Court below has granted anticipatory bail on condition to deposit a sum of Rs.40,000/- as cash security before the learned Judicial Magistrate No.I, Pudukkottai. To modify the above said order, the present petition has been filed.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3.The learned counsel appearing for the petitioner submitted that there are two accused in this case. A-1 is a driver of the vehicle and the petitioner is arrayed as A-2. Earlier, the driver of the vehicle/A-1 was arrested and released on anticipatory bail on condition to deposit a sum of Rs.40,000/- as cash security before the learned Judicial Magistrate No.I, Pudukkottai. The petitioner being a owner of the vehicle, he only paid the amount. Now once again, the petitioner is directed to deposit another sum of Rs.40,000/- hence, he seeks modification of the said condition.



4.Considering the facts and circumstances of the case and also considering the fact that the petitioner is the owner of the vehicle and also involved in illegal mining of river sand, I find no justification in asking for modification. Hence, this petition stands dismissed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SJI

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,
Pudukkottai.
- 2.The Judicial Magistrate No.I,
Pudukkottai District.
3. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.9729 of 2020

Date : 14/09/2020

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