

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.499 of 2021

Mr.Adham Bhava Jamiu,
S/o. Masthaniu,
No.4/490A, S.K.Nagar,
Suthamalli,
Gopalamudram Road,
Tirunelveli-627 604.

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Traffic Investigation Wing,
Madhavaram Police Station,
Tiruvallur.
(Crime No.314 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1)(b) of Criminal Procedure Code to modify the bail condition of depositing Rs.50,000/- imposed by Principal District and Sessions Judge, Tiruvallur in Crl.M.P. No.2139 of 2020 dated 03.11.2020 pending on the file of Inspector of Police, Traffic Investigation Wing, Madhavaram Police Station, Tiruvallur.

For Petitioner : Mr.I.Abdul Basith

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

This petition has been filed seeking to modify the bail condition of depositing Rs.50,000/- imposed by Principal District and Sessions Judge, Tiruvallur in Crl.M.P. No.2139 of 2020 dated 03.11.2020 pending on the file of Inspector of Police, Traffic Investigation Wing, Madhavaram Police Station, Thiruvallur.

2. Earlier, the learned Principal District and Sessions Judge, Thiruvallur has granted bail to the petitioner on condition to deposit a sum of Rs.50,000/- before the said Court and the amount to be paid to the deceased family. Now, this petition has been filed for modification of the said condition.

3. The learned counsel appearing for petitioner would submit that the petitioner is a poor lorry driver and he is not responsible for the

unfortunate accident. He would submit that now he is not in a position to pay the amount as directed by the Court below. He would also submit even though the bail was granted to the petitioner on 03.11.2020, the petitioner is not able to deposit the amount and as on date, he is in judicial custody. Hence, he prayed to modify the condition imposed by the court below.

4. The learned Additional Public Prosecutor would submit that the accident has been taken place due to the drunken and driving of the petitioner. He would submit that the deceased is the sole bread-winner of his family. Hence, the Court below has rightly imposed the condition against the petitioner and it cannot be modified.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the petitioner, being a lorry driver, he is not in a position to deposit the amount and even after

granting bail, he is in judicial custody from November 2020, this Court is inclined to modify the condition to the limited extent. Instead of depositing a sum of Rs.50,000/-, the petitioner shall deposit Rs.25,000/- to the credit of Crime No.314 of 2020 before the learned Principal District and Sessions Judge, Tiruvallur, which shall be paid to the deceased family. The other conditions imposed by the learned Principal District and Sessions Judge, Tiruvallur in Cr.M.P.No.2139 of 2020 stands remain confirmed. Accordingly, this Crl.O.P. is disposed of.

20.01.2021

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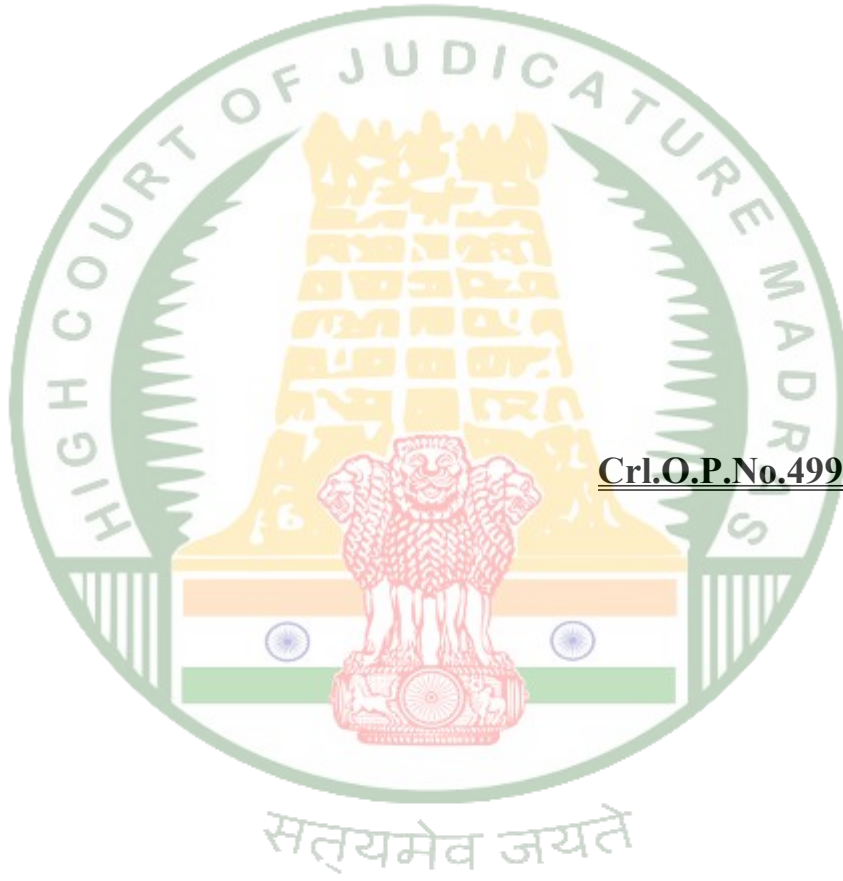
To

1. The Principal District and Sessions Judge, Tiruvallur.
2. The Inspector of Police, Traffic Investigation Wing, Madhavaram Police Station, Tiruvallur.
3. The Public Prosecutor, High Court of Madras, Chennai.

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V.BHARATHIDASAN, J.

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Crl.O.P.No.499 of 2021

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