



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11294 of 2021

Gowtham
S/o.Babu

... Petitioner

Vs.

State: Rep.by
The Inspector of Police,
Nazarethpet Police Station,
(Crime No.582 of 2019)

... Respondent

Prayer: Criminal Original petition has been filed under Section 439 (1)(b) of Cr.P.C., to modify the condition imposed by the learned Principal District and Sessions Judge, Thiruvallur, by order dated 24.01.2020 in Crl.M.P.No.401 of 2020 of depositing a sum of Rs.3,000/- (Rupees Three Thousand Only) to the credit of Crime No.582 of 2019 in respect of this petitioner.

For Petitioner : Mr.R.Vijayaraghaven

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

This Criminal Original Petition has been filed to modify the condition imposed by the learned Principal District and Sessions Judge, Thiruvallur, in Crl.M.P.No.401 of 2020 dated 24.01.2020.

2. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has nothing to do with the alleged offence by the prosecution and he filed a petition in Crl.M.P.No.401 of 2020 dated 24.01.2020 on the file of the learned Principal and District Sessions Judge, Thiruvallur, there by imposed the condition that the petitioner was directed to deposit a sum of Rs.3,000/- to the credit of Crime No.582 of 2019 on the file of Nasarathpet Police Station before the concerned Magistrate and shall be executed within 15 days from today. He further submit that the petitioner is a coolie and he was unable to mobilize the funds. He further



submits that the petitioner finds that the deposit amount imposed by the Court below is exorbitant and hence, he prays to modify the above said condition.

3. Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioner is a history sheeter and there are three previous cases pending similar in nature. He further submits that the petitioner has committed very serious offence and hence the learned Magistrate has rightly imposed the above said condition.

4. Taking into consideration, the facts and circumstances of the case and also the fact that the condition imposed on the petitioner by the court below was very reasonable and hence, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

gbi

To

1. The Principal District and Sessions Judge,
Thiruvallor.
2. The Judicial Magistrate No.1,
Poonamallee.
3. The Inspector of Police,
Nazarethpet Police Station.
4. The Public Prosecutor,
Madras High Court.

+1CC to Mr.R.Vijayaraghavan, Advocate, Sr.No.31157

CrI.O.P.No.11294 of 2021

PCH (CO)
K.RK. (20.07.2021)