



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.1050 of 2021

WEB COPY

Kamal,
S/o. Natarajan,
Kadappakada,
Kollam District
Kerala State..

... Petitioner/Accused No.1

Vs

State Rep. By
The Inspector of Police,
District Crime Branch,
Trichy District
(Cr No. 22/2019).

... Respondent/Complainant

For Petitioner : Mr.Pitchai Muthu.M,

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

PRAYER :-

Petition filed under Section 482 r/w. 439(1)(6) of Cr.P.C.,
praying to Modify the condition imposed by the Principal Sessions
Court, Trichy, Trichy District in Crl. M. P No. 3821/2020 on
10.11.2020.

ORDER : The Court made the following order :-

This criminal original petition is filed seeking modification
of the conditions imposed by the Sessions Court, Trichy District
in Crl.M.P. No. 3821 of 2020 on 10.11.2020.

2.The learned counsel for the petitioner submits that the
petitioner was granted bail by the Sessions Court on 10.11.2020 with
certain conditions. One of the conditions is that the petitioner
should deposit a sum of Rs.2 lakhs to the credit of the crime
number. Hence, the petitioner could not come out on bail and he is
still in custody. Because of his custody, he is not in a position
to mobilise the funds. It is being an onerous condition, the
petitioner counsel not comply with the conditions of the Sessions
Court. He further submitted that the defacto complainant only
refused to get the car. The petitioner's counsel on instructions
states that the petitioner is ready to deposit a sum of Rs.1 Lakh.
Hence, he prays for modification of the said condition.



3.The learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed the petition for modification.

4.Considering the fact that the petitioner's counsel on instructions submitted that the petitioner will deposit a sum of Rs.1 Lakh, this Court is inclined to modify the condition imposed in Crl.M.P. No. 3821 of 2020 on 10.11.2020 is follows:-

"The petitioner shall deposit a sum of Rs.1 Lakh to the credit of Crime No.22 of 2019 before the learned Judicial Magistrate No.VI, Tiruchirappalli, within a period of 15 days from the date of receipt of a copy of this order."

5.The other conditions imposed by Sessions Court shall stand confirmed.

6.The criminal original petition is allowed accordingly.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

IAS

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 Sessions Judge, Trichy.
2. The Judicial Magistrate No.VI, Tiruchirappalli.
3. The Inspector of Police,
District Crime Branch,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.1050 of 2021
Date : 27/01/2021

Ns (CO)

TR(09.02.2021) 2P 5C