



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Original Jurisdiction)

Date : 18/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) . No.4141 of 2021

R.Kumaresan, (M/32),
S/o.Rajendiran,
Kalaivatta Theru,
Pandhanallur,
Thanjavur District..

... Petitioner/Accused

Vs

The State Rep by,
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District
(Cr No.98/2021).

... Respondent/Complainant

PRAYER :- Petition is filed under Section 439(1)(b) of the Code of Criminal Procedure praying to modify the condition imposed in Cr.M.P.No.905 of 2021 dated 04.03.2021 on the file of the Principal Sessions Judge, Thanjavur.

For Petitioner : Mr.Duraipandian.K.S,
Advocate.

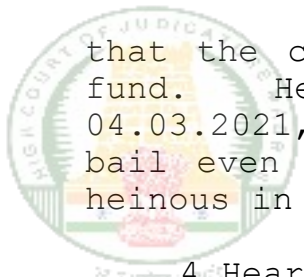
For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

ORDER : The Court made the following order :-

The present petition has been filed to modify the condition imposed by the Principal Sessions Judge, Thanjavur, vide order dated 04.03.2021 made in Cr.M.P.No.905 of 2021.

2.The petitioner is arrayed as Accused, in Crime No.98 of 2021 for the alleged offences punishable under Sections 4(1)(aaa) and 4(1-A) of Tamilnadu Prohibition Act, and hence, seeking bail, he filed an application in Cr.M.P.No.905 of 2021 before the learned Principal Sessions Judge, Thanjavur. The Court below has granted bail to the petitioner with condition to pay a sum of Rs.40,000/- which is non refundable to the credit of "District Collector Corona Relief Fund, Thanjavur in Account No.378401000000444". Hence, the present petition has been filed seeking modification.

3.The learned counsel appearing for the petitioner submitted



that the condition is a onerous one and he had not mobilized the fund. He further submitted that though he granted bail on 04.03.2021, he is unable to execute the sureties and come out on bail even today. He further submitted that the offence is not a heinous in nature.

4. Heard the learned Government Advocate (Criminal side) appearing for the respondent police also.

5. Considering the facts and circumstances of the case and also considering the gravity of offence, this Court is inclined to set aside the above said condition. Accordingly, the fine amount imposed on the petitioner by the learned Principal Sessions Judge, Thanjavur, vide order dated 04.03.2021 is set aside. The other conditions imposed by the learned Principal Sessions Judge, Thanjavur, vide order dated 04.03.2021, stand unaltered.

6. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsg

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,
Thanjavur.

2. The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.K.S.DURAI PANDIAN, ADVOCATE, SR NO 2269

ORDER
IN

CRL OP(MD) No.4141 of 2021
Date : 18/03/2021