



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

Date : 27.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12055 of 2021

WEB COPY

Raguram

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Dindigul Town North Police Station
Dindigul District.
Crime No.2494 of 2020

... Respondent/Complainant

For Petitioner : M/s.Joseph Jerry A,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

PRAYER :-

To modify the condition imposed in Crl.M.P.No.1875 of 2021 on the file of the learned Principal District Judge, Dindigul, dated 03.06.2021.

ORDER : The Court made the following order :-

The petitioner was arrested by the respondent police and was remanded to judicial custody on 18.02.2021, for the offence under Section 395 IPC, in connection with the case in Crime No.2494 of 2020. He has moved a regular bail application before the Principal Sessions Court, Dindigul, in Crl.M.P.No.1875 of 2021 and the learned Principal Sessions Judge, by order dated 03.06.2021, enlarged the petitioner on bail, however, with certain conditions. One among such conditions is to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned Judicial Magistrate No.II, Dindigul, towards surety to the credit of the case in Dindigul Town North Crime No.2494 of 2020. In order to modify this condition, the petitioner has preferred the instant application.

2. Learned Counsel for the petitioner submitted that the petitioner, due to his poverty and in view of the Covid-19 situation, is not in a position to arrange a sum of Rs.1,00,000/- to deposit before the Judicial Magistrate Court. Even though an order of bail was obtained as early as on 03.06.2021, in view of this situation, the petitioner is still languishing in the prison.

3. Learned Counsel for the petitioner further submitted that the prosecution case is that the accused have entered into R.R.Agency on 24.09.2020, intimidated the defacto complainant and since their person and property were snatched away their mobile phones and a two wheeler.



Excepting this petitioner / second accused, all other accused were enlarged on bail. The investigation is completed, properties have been recovered, charge sheet has been filed and the same was taken on file in PRC.No.20 of 2021 by the learned Judicial Magistrate No.II, Dindigul. Even then, the petitioner is languishing in the prison for the past 190 days. Therefore, he prays for modification of the condition imposed by the learned Principal Sessions Judge, Dindigul.

4. Heard the learned Government Advocate (Crl. Side) appearing for the respondent as well, who, on instructions, submitted that the investigation is completed, charge sheet has been filed and the same was taken on file in PRC.No.20 of 2021 by the learned Judicial Magistrate No.II, Dindigul. He further submitted that apart from this case, the petitioner is having five other cases to his credit.

5. The occurrence took place on 24.09.2020. The petitioner was arrested and remanded to judicial custody as early as on 18.02.2021. Though an order of bail was passed as on 03.06.2021, the petitioner could not come out on bail in view of the condition to deposit Rs.1,00,000/- and he is in prison for the past 190 days. It appears that the investigation itself is completed, charge sheet has been filed and taken on file in PRC.No.20 of 2021 by the learned Judicial Magistrate No.II, Dindigul.

6. Considering the facts and circumstances of the case and the period of incarceration, this Court is inclined to relax the first condition alone imposed by the learned Principal Sessions Judge, Dindigul, in Crl.M.P.No.1875 of 2021, dated 03.06.2021 and the same is accordingly, relaxed. The rest of the conditions imposed by the learned Principal Sessions Judge, Dindigul, remain intact and insofar as the time limit mentioned in condition no.3 for the petitioner to surrender between 20.07.2021 and 03.08.2021 is concerned, the time limit is extended by fifteen days time from the date of receipt of a copy of this order to comply with the same.

The criminal original petition is ordered in the above terms.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm/gk



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 Judge,
Dindigul District.
2. The Judicial Magistrate No.II,
Dindigul.
3. The Officer incharge, District Prison,
Dindigul.
4. The Inspector of Police,
Dindigul Town North Police Station
Dindigul District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.12055 of 2021
Date : 27.08.2021

am(CO)
TR(06.09.2021) 3P 6C