



WEB COPY

CRL OP (MD) No.10882 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.10882 of 2021

1.Prabu,  
S/o.Dharman,  
Mangadu Post,  
Alangudi Taluk,  
Pudukkottai District.

2.Suriya Kumar,  
S/o.Karuppiyah,  
No.62, Yadava Street,  
Thirukokarnam,  
Pudukkottai District.

... Petitioners/Accused

Vs

The Inspector of Police,  
Tamil University Police Station,  
Thanjavur.  
Cr.No.591 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Ramesh Kumar D,

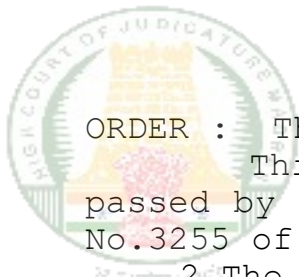
For Respondent : Mr.P.Kottai Chamy,  
Government Advocate (Crl.Side)

PETITION FOR RELAXATION Under Sec.439(1)b of Cr.P.C

PRAYER :-

This Criminal Original Petition is filed under Section 439(1)b r/w 482 of Criminal Procedure Code. To modify the condition No.1 imposed by the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No. 3255 of 2021, dated 30.07.2021

<https://hcservices.ecourts.gov.in/hcservices/>



ORDER : The Court Made the following order :-

This application is filed for modification of the order passed by the learned Principal Sessions Judge, Thanjavur in Cr.M.P No.3255 of 2021, dated 30.07.2021.

2.The petitioners were arrested on 15.07.2021 for transporting Hans Packets - 33 gunny bags, Cool Lip Packets - 12 gunny bags, Vimal Pan Masala packets - 15 gunny bags, Vimal+ pan masala packets - 15 gunny bags, which worth about Rs.19,41,000/-. The petitioners filed a bail petition before the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No.3255 of 2021, wherein the learned Principal Sessions Judge by order dated 30.07.2021 granted bail to the petitioners on certain conditions, one among is the petitioners each shall pay a sum of Rs.4,00,000/-to the Chief Minister's Public Relief Fund. Aggrieved over such a condition, the petitioners filed this petition for modification of the said condition.

3.The learned Counsel for the petitioners submits that the petitioners are Driver and Cleaner of the vehicle and at the instance of the vehicle owner only, they have transported the goods. The learned Counsel further submits that the petitioners would turn approvers and would co-operate for enquiry.

4.The learned Government Advocate (Crl Side) opposed this petition on the ground that such a condition is not an onerous one.

5.Heard the learned Counsel on either side.

6.The fact remains that though the petitioners were granted bail on 30.07.2021, they are languishing in jail, as they are unable to comply with the condition imposed on them.

7.Considering the facts and circumstances of the case, the allegations levelled against the petitioners and the period of incarceration, this petition is allowed and the condition No.1 alone, in the order dated 30.07.2021 in Cr.M.P.No.3255 of 2021 is removed and the rest of the order shall stand unaltered.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,  
Thanjavur Tamil University Police Station,  
Thanjavur District.

3.The Superintendent,  
Central Prison,  
Trichy.

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

CRL OP (MD) No.10882 of 2021

Date : 17/08/2021

MGJ(24.08.2021) 3P 5C