



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01.11.2021
PRESENT

WEB COPY

Kaleeshwaran

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.16909 of 2021

... Petitioner/Accused No.2

Vs

State represented by
the Inspector of Police
Kadaladi Police Station
Ramanathapuram Police Station,
Ramanathapuram District.
(Crime No.196 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.VIDHYA SAGAR, Advocate

For Respondent : Mr.P.KOTTAI CHAMY,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.439[1][b] of Cr.P.C

PRAYER :-

For modifying the condition made in order dated 21.10.2021 in Cr.M.P.No.2503 of 2021 on the file of the learned Principal District and Sessions Judge, Ramanathapuram with regard to the condition.

ORDER : The Court made the following order :

This petition has been filed for modification of the condition made in the order dated 21.10.2021 in Cr.M.P.No.2503 of 2021 on the file of the learned Principal District and Sessions Judge, Ramanathapuram with regard to the condition directing the petitioner to deposit a sum of 25,000/- to the credit of District Mineral Foundation Trust, Ramanathapuram for enlarging him on bail.

2.The petitioner was arrested in connection with Crime No.196 of 2021 under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 on the file of the respondent police. While granting bail to the petitioner, the learned Principal District and Sessions Judge, Ramanathapuram, *inter alia*, imposed a condition to the petitioner to pay a sum of Rs.25,000/- to the credit of District Mineral Foundation Trust, Ramanathapuram.

3.The learned Counsel for the petitioner submitted that though the petitioner has been granted bail by the trial Court, due to the onerous condition imposed on him, he could not come out on bail. Due to covid 19 pandemic, the petitioner is facing financial crisis.



Therefore, he could not comply with the said condition. Hence prayed for modification of the said condition.

4.The learned Government Advocate (Crl Side) appearing for the respondent submitted that the said condition is not an onerous condition and therefore, he opposes the relief.

5.It is seen that the petitioner has been granted bail as early as on 21.10.2021 by the trial Court. According to the petitioner he is facing financial constraints and therefore, he could not comply with the condition of paying Rs.25,000/- to the credit of District Mineral Foundation Trust, Ramanathapuram. It is seen that the petitioner has involved in transportation of river sand in bullock carts. Further, the mineral has been recovered and the investigation is almost completed. Therefore, this court is inclined to modify the said condition.

6.Accordingly, this petition is allowed and the condition in the order dated 21.10.2021 in Cr.M.P.No.2503 of 2021 imposed on the petitioner to pay a sum of Rs.25,000/- to the credit of District Mineral Foundation Trust, Ramanathapuram is deleted and the rest of the order shall stand unaltered.

sd/-

01/11/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 AND SESSIONS JUDGE,
RAMANATHAPURAM.
- 2 THE DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE
KADALADI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.JEYAKARTHIK M.S, Advocate SR.No.7770

ORDER

IN

CRL OP(MD) No.16909 of 2021

Date :01/11/2021