



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.Nos.11939, 11941 and 11942 of 2022

A.Ganesan

...Petitioner in all Crl.O.Ps

Vs.

State Represented by
The Inspector of Police,
Ambur Taluk Police Station,
Ambur, Thirupathur District.

...Respondent in all Crl.O.Ps

Common Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the onerous conditions order that the petitioner is directed to deposit a sum of Rs.10,00,000/- before concerned Magistrate Court within one month in C.M.P.Nos.1410 to 1412 of 2022 in Crime No.505 of 2021 order dated 28.04.2022 passed by the learned Principal Sessions Judge at Vellore.

For Petitioner : Mr.S.Pachaiyappan

For Respondent : Mr. A.Damodaran
Additional Public Prosecutor

COMMON ORDER

These three Criminal Original Petitions are filed by the petitioner aggrieved by the orders of the learned Principal Sessions Judge, Vellore in C.M.P.Nos.1410 to 1412 of 2022, whereby while ordering the release of three vehicles, the learned Principal Sessions Judge, Vellore had imposed a condition to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with respect of each vehicle within one month from the date of release.

2. The learned counsel for the petitioner would submit that the vehicles were seized for involvement of an alleged offence under Section 379, 430 of IPC r/w. Section 21(1) of Mines and Minerals Act, on allegation of illegal mining of sand. Even while returning the said vehicles, other conditions such as non refundable deposit of Rs.50,000/- has already been imposed and over and above that, imposition of Rs.10,00,000/- is onerous condition. Hence, he prays for removal of the said condition.



3. Per contra, the learned Additional Public Prosecutor for the respondent would submit that considering the nature of the case, such a condition has been imposed. But however, he is unable to answer as to on what basis this special condition is imposed in this case alone, while already there is an additional condition of remission of non refundable deposit of Rs.50,000/- for each vehicle.

4. Such an order to deposit a huge sum, considering the worth of the vehicle may not be appropriate. I am unable to accept the same. Accordingly, the said condition No.5 (3) imposed by the learned Principal Sessions Judge alone is ordered to be excluded from the order passed by the learned Principal Sessions Judge, Vellore.

5. Accordingly, these three petitions are allowed.

Sd/-
Assistant Registrar /
Vacation Officer

// True Copy //

Sub Assistant Registrar

rpl/anu

To

1. The Principal Sessions Judge,
Vellore.

2. The Inspector of Police,
Ambur Taluk Police Station,
Ambur, Thirupathur District.

3. The Public Prosecutor,
High Court, Madras
Chennai 600 104.

+3ccs to Mr.S.Pachaiyappan, Advocate Sr.Nos.31811 to 31813

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NK(CO)
RVM(02/06/2022)