



WEB COPY



Crl.O.P.No.28093 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28093 of 2022

Radha

... Petitioner

Vs.

The Inspector of Police,
Deevattipaty Police Station,
Salem District.

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C pleased to modify the condition imposed in Crl.M.P.No.3586 of 2022 dated 28.10.2022 that "depositing a sum of Rs.1,50,000/- (Rupees One Lakhs Fifty Thousand Only) into the credit of Crime No. 356 of 2022 of Deevattipatty Police Station before the Judicial Magistrate Court, Omalur" by Principal Session Judge, Salem.

For Petitioner : Mr.T.P.Marimuthu

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

This petition has been filed to modify the condition imposed on the petitioner while granting bail in Crl.M.P.No.3586 of 2022 dated 28.10.2022 passed by the learned Principal Sessions Judge, Salem.

2. The learned counsel for the petitioner would submit that the petitioner was granted bail by the learned Principal Sessions Judge, Salem in Crl.M.P.No.3586 of 2022 dated 28.10.2022. One of the condition imposed was as follows,

" the petitioner is ordered to be released on bail on depositing a sum of Rs.1,50,000/- (One Lakh Fifty Thousand Only) into to the credit of Cr.No.356 of 2022 of Deevattipatty PS before the Judicial Magistrate Court, Omalur and on her executing a bond for Rs.10,000/- (Rupees Ten Thousand Only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, Omalur;



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3. The learned counsel for the petitioner would further submitted that

the petitioner is a lady and she hails from poor background and thereby she is unable to deposit the same. He would further submit that the petitioner is in custody from 03.09.2022 and bail was granted only on 55th day. He would further submit that the trial Court while granting bail to the petitioner has passed onerous condition to which is in a way to prevent the petitioner to come out on bail. He would further submit that the petitioner without prejudice to his defence, the petitioner is prepared to deposit Rs.50,000/- to the credit of the crime number. Hence, he seeks for modification of the said condition.

4. The learned Additional Public Prosecutor submit that the petitioner is an Habitual Offendor, who has got 10 previous case of similar in nature and hence the trial Judge has imposed such condition. Thereby, he would oppose for modification of the condition.

5. In view of the above, the condition imposed by the trial Court is modified as follows:



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"the petitioner is ordered to be released on bail on depositing a sum of Rs.50,000/- (Fifty Thousand Only) into to the credit of Cr.No.356 of 2022 of Deevattipatty PS before the Judicial Magistrate Court, Omalur and on her executing a bond for Rs.10,000/- (Rupees Ten Thousand Only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, Omalur;

6. With the above said modification, this Criminal Original Petition is ordered and the other conditions imposed shall remain unaltered.

17.11.2022

Sma



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A.D.JAGADISH CHANDIRA, J.

Sma

To

1. Judicial Magistrate Court,
Omalur.
2. Principal Session Judge,
Salem.
- 3.The Inspector of Police,
Deevattipaty Police Station,
Salem District
- 4.The Public Prosecutor,
High Court, Madras.

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