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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27829 of 2022

Eeswari

..Petitioner

Vs.

State rep. by
Sub Inspector of Police,
Karimangalam P.S.
Dharmapuri District.
(Crime No.384 of 2022)

..Respondent

PRAYER: This Criminal Original Petition has been filed under Section 439(1)(b) of Criminal Procedure Code, to modify the condition No.(a)

"The petitioner is ordered to be released on bail on paying of Rs.2,87,600/- (Rupees Two lakhs Eighty Seven thousand Six Hundred only) at Mediation and Conciliation Centre, Dharmapuri" imposed in order dated 2.11.2022 in Crl.M.P.No.2061 of 2022 in Crime No.384 of 2022 on the file of the Principal District Judge, Dharmapuri.

For Petitioner : Mr.N.Chandrasekharan for
Ms.T.P.Savitha

For Respondent : Mr.R.Vinothraja, Govt. Advocate (Crl.Side)

ORDER

The present petition has been filed seeking to modify the condition



No.(a)

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"The petitioner is ordered to be released on bail on paying of Rs.2,87,600/- (Rupees Two lakhs Eighty Seven thousand Six Hundred only) at Mediation and Conciliation Centre, Dharmapuri" imposed in order dated 2.11.2022 in CrI.M.P.No.2061 of 2022 in Crime No.384 of 2022 on the file of the Principal District Judge, Dharmapuri.

2. Brief facts of the case:-

i) On 7.10.2022 at about 5.00 am when the complainant and his police party were in their routine duty at Kumbarahalli Check Post of Krishnagiri, Salem Road, an Ashok Leyland Dost Vehicle bearing Registration No.TN-18-AV-0136 was intercepted by them and they found tobacco products worth about Rs.5,75,184/- and had arrested the petitioner.

ii) Thereupon, the petitioner had filed a Bail Application before the Principal District Judge, Dharmapuri in CrI.M.P.No.2061 of 2022 and the court below, by order dated 2.11.2022, was pleased to grant bail to the petitioner on certain conditions.

iii) Pointing out the condition imposed by the court below with regard to payment of a sizeable amount at Mediation and Conciliation Centre, Dharmapuri while granting bail is onerous, the present petition has been filed seeking modification.

3. Learned counsel Mr.N.Chandrasekharan appearing for the



who is the only person to eke out for her family and she has no relevance with the contraband seized nor the vehicle used to transport it except being a Driver having taken the job with no other option. Therefore, this court is of the view that the condition imposed by the court below with regard to payment of Rs.2,87,600/- at the Mediation and Conciliation Centre, Dharmapuri is an onerous one and thereby such condition imposed by the court below is set aside and instead, the bond amount is enhanced and accordingly, the petitioner is directed to execute the bond for a sum of Rs.25,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Palacode. However, **other conditions imposed by the court below shall remain unaltered.**

6. The Criminal Original Petition is ordered accordingly.

16.11.2022

Index : Yes / No
Internet : Yes / No
ssk

Note to office:-

Copy of this order may be issued forthwith.

To

1. Principal District Judge,
Dharmapuri.



2. Sub Inspector of Police,
Karimangalam P.S.
Dharmapuri District.

3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

ssk

CrI.O.P.No.27829 of 2022

16.11.2022