



CRL.O.P.No.29524 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.O.P.No. 29524 of 2022

1.Dinesh

2.Prasanth

3.Valarmathi

.. Petitioners/Accused 1 to 3

Versus

The State rep. by
The Inspector of Police,
Poraiyar Police Station,
Poraiyar,
Nagapattinam District.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the condition No.(a) in Crl.MP.No.3798 of 2022 dated 18.11.2022, passed by the Principal District Court, Nagapattinam.

For Petitioners	:	Mr.B.Jawahar
For Respondent	:	Mr.S.Santhosh
		Government Advocate (Crl.side)



CRL.O.P.No.29524 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to set aside condition No.(a) in Crl.MP.No.3798 of 2022 dated 18.11.2022, passed by the Principal District Court, Nagapattinam.

2.Heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

3.The petitioners are the accused 1 to 3 in Crime No.282 of 2022 on the file of the Poraiyur Police Station for the offences under Sections 294(b), 427 and 506(ii) IPC. The petitioners have filed an anticipatory bail application in Crl.MP.No.3798 of 2022 before the learned Principal District Court, Nagapattinam and the said petition was allowed on condition and condition (a) of the order reads as under:

“(a) the petitioners shall make a non-refundable deposit of a sum of Rs.16,000/-(Rupees Sixteen Thousand only) each through Demand Draft drawn infavour of the defacto complainant without prejudice to his defence before the District Munsif-cum-Judicial Magistrate, Tharangambadi towards the cost of the damages at the time of producing sureties and the same shall be paid to the defacto complainant on proper identification and acknowledgment”



CRL.O.P.No.29524 of 2022

WEB COPY

4. The learned counsel for the petitioners submitted that the said condition is onerous and that has been issued even before the trial and hence the said condition alone should be set aside.

5. The records would show that the case is still under investigation. Even before the trial is commenced, the learned Magistrate has directed each of the petitioners to deposit a sum of Rs.16,000/- through demand draft payable to the *defacto* complainant is no doubt, onerous. Without subjecting the accused for trial, a condition so imposed, cannot be said a reasonable one.

In view of the same, I feel it is appropriate to set aside condition 'a' alone in Crl.MP.No.3798 of 2022, order dated 18.11.2022. Accordingly, this Criminal Original Petition is **allowed**.

01.12.2022

Index: Yes/No
Internet: Yes/No
Speaking/ Non-speaking

jrs

Page No.3 of 4



WEB COPY



CRL.O.P.No.29524 of 2022

R.N.MANJULA,J.

jrs

To:

1.The Inspector of Police,
Poraiyar Police Station,
Poraiyar, Nagapattinam District.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No. 29524 of 2022

01.12.2022