



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2022

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CORAM

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10055 of 2022

Ganesan : Petitioner/Accused

Vs

State represented by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur Distirct.
Crime No.179 of 2022

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 r/w. Section 439(1)(b) of Cr.P.C., to modify the condition No.1 made in conditional bail order in Crl.M.P.No.2461 of 2022, dated 18.05.2022 on the file of the Vacation Sessions Court, Thanjavur, in connection with the Crime No.179 of 2022 on the file of the respondent Police.

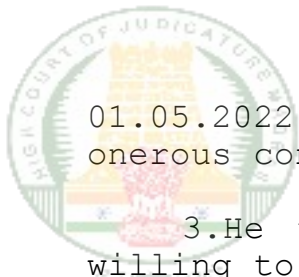
For Petitioner : Mr.A.Kuppusami,

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Criminal Side)

O R D E R

The Criminal Original Petition has been filed seeking modification of the condition imposed in Crl.M.P. No.2461 of 2022, dated 18.05.2022 on the file of the Vacation Sessions Court, Thanjavur, in connection with the Crime No.179 of 2022 on the file of the respondent Police, wherein the petitioner was directed to pay a sum of Rs.1,00,000/- as non-refundable to the credit of the Education Department by means of Demand Draft to be drawn in favour of "The Chief Educational Officer, Thanjavur (Development Fund).

2.The learned counsel for the petitioner would submit that the first accused has been granted bail with a condition to deposit a sum of Rs.1,10,000/- as non-refundable to the credit of Education Department and he has already deposited the said amount. He would further submit that the total value of the Government liquor seized is only Rs.90,000/-, that the petitioner is in judicial custody from



01.05.2022 and that since the learned Sessions Judge has imposed onerous condition, the condition may be modified.

3.He would further submit that the petitioner is ready and willing to deposit a sum of Rs.20,000/-.

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4.As rightly contended by the learned counsel for the petitioner, the condition imposed by the learned Sessions Judge, is onerous and imposing of such condition would only amount to denial of bail.

5. It is pertinent to mention that the Hon'ble Supreme Court as well as this Court, in number of judgments, have specifically held that while enlarging the accused on bail, onerous conditions should not be imposed.

6.Considering the above, this Court is inclined to modify the condition imposed by the learned Sessions Judge, Vacation Sessions Court, Thanjavur, in Cr.M.P.No.2461 of 2022, dated 18.05.2022 and the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) and the other conditions imposed by the learned Judge shall remain unaltered.

7.With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

das

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 Judge, Vacation Sessions Court,
Thanjavur.



- 2.The Inspector of Police,
Thiruvonam Police Station,
Thanjavur Distirct.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Joint Secretary to Government,
CMPRF (Finance Department,)
Secretariat Branch,
Chennai-9.

ORDER
IN
CRL OP(MD). No.10055 of 2022
Date : 08/06/2022

RK(14/06/2022) 3P 5C