



Crl.O.P.No.2857 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2857 of 2023

Bharathan

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
Mannargudi Taluk Police Station,
Thiruvarur District.

(Crime No.84 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to modify the conditions imposed by the learned Principal Sessions Judge, Thiruvarur in para 9(1)(3) of the order in Crl.M.P.No.1213 of 2022 dated 19.10.2022.

For Petitioner : Mr.S.Nirmal Aditya

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed seeking to modify the conditions imposed by the learned Principal Sessions Judge, Thiruvarur in para 9 (1)(3) of the order in Crl.M.P.No.1213 of 2022 dated 19.10.2022.

2. Learned counsel appearing for the petitioner submitted that the petitioner filed a petition in Crl.M.P.No.1213 of 2022 for return of his vehicle namely Ashok Leyland Taurus Lorry bearing registration No.TN-47-S-3466 which was seized in connection with the Crime No.84 of 2019 registered for the offence under Section 379 of IPC r/w Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957. While allowing the petition, the learned Judge imposed a condition to deposit a sum of Rs.1,90,000/- (Rupees One Lakh Ninety Thousand only) before the Judicial Magistrate No.I, Mannargudi along with other conditions. There is no reason specified for a direction to deposit the said amount. He further submitted that the petitioner depends on the lorry for his livelihood. He had already deposited a sum of Rs.40,000/- to the credit of Apres Children Home, Cuddalore, as imposed by this Court in the anticipatory bail petition filed by the petitioner in Crl.O.P.No.6196 of 2021 dated 01.04.2021. Therefore, the petitioner has filed



the present petition.

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3. Learned Government Advocate (Crl.Side) submitted that the condition was imposed, appropriately to ensure that the lorry will not be sold or encumbered some other way.

4. Considered rival submissions. Perused the records. This Court finds from the conditions that there was a direction to deposit the non-refundable amount of Rs.10,000/- to the Co-Ordinator/ Sub Judge, District Mediation Centre, Thiruvarur and a condition that the petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two lakhs only) along with two sureties to the satisfaction of the learned Judicial Magistrate No.I, Mannargudi along with other conditions.

5. Therefore, the conditions imposed by the learned trial Judge that the petitioner should deposit a non-refundable amount Rs.10,000/- to the Co-Ordinator / Sub Judge, District Mediation Centre, Thiruvarur and that the petitioner shall execute a bond for a sum of Rs.2,00,000/- along with two sureties are enough to secure the vehicle during the trial. Thus, this Court is of



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the view that a direction issued to the petitioner to deposit a sum of

Rs.1,90,000/- (Rupees One Lakh Ninety Thousand only) before the Judicial

Magistrate No.I, Mannargudi is an onerous condition.

6. In view of this matter, this Court set aside the condition (9)(1) alone, retaining the other conditions. With the above observation and direction, this Criminal Original Petition stands disposed of.

09.02.2023

ham

Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

To

1. The Inspector of Police,
Mannargudi Taluk Police Station,
Thiruvarur District.

2. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN, J.

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