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*Crl.O.P.No.11709 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2023

CORAM :

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11709 of 2023

Govindasamy @ Govindan

.. Petitioner

VS

State Rep. By  
The Inspector of Police,  
Sankar Nagar Police Station,  
Chengalpattu District.  
(Crime No.1644 of 2016)

.. Respondent

Prayer: Petition filed under Section 482 of Cr.P.C to set aside order dated 18.04.2023 made in Crl.M.P.No.1969 of 2023 ordered by the Principal Sessions Judge of Kancheepuram District at Chengalpattu and also to modify the condition in Crl.M.P.No.406 of 2023 ordered by the Principal Sessions Judge of Kancheepuram District at Chengalpattu in so far as the condition of executing the bond sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) and to deposit the amount of Rs.2,25,000/- (Rupees Two Lakhs Fifty Thousand Only).

For Petitioner : Mr.M.Vigneshwaran

For Respondent : Mr.S.Vinoth Kumar  
Government Advocate  
(Criminal Side)



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ORDER

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Challenging the order dated 18.04.2023 made in Crl.M.P.No.1969 of 2023 by the Principal Sessions Judge, Kancheepuram District and seeking modification of the condition imposed vide order dated 10.02.2023 in Crl.M.P.No.406 of 2023, this Criminal Original Petition has been filed.

2. It is the case of the petitioner that the anticipatory bail petition filed by the petitioner in Crl.M.P.No.406 of 2023 was allowed with certain conditions vide order dated 10.02.2023. The trial Court while granting relief, also taken note of the fact that the co-accused was already granted anticipatory bail by the High Court. Being aggrieved against the conditional order passed by learned trial Judge, a modification petition was filed and the same was dismissed on 18.04.2023.

3. Learned counsel for the petitioner submitted that trial Court ought to have looked into bonafides of the petitioner before rejecting the modification petition. He further submits that the petitioner is not in a position to comply with the conditions imposed and prays for modification of the same.



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4. Learned Government Advocate(Criminal Side), though vehemently opposed for granting any relief, submitted that the trial Court has rightly looked into all the factors before passing the order and prays for dismissal of this petition.

5. Having heard learned counsel on either side and considering the facts and circumstances of the case, this Court is inclined to modify conditions (1) and (4) imposed in the order dated 10.02.2023. Accordingly, the impugned order dated 18.04.2023 made in Crl.M.P.No.1969 of 2023 in Crl.M.P.No.406 of 2023 is set aside and the conditions (1) and (4) imposed in the order dated 10.02.2023 are modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- instead of Rs.2,50,000/- to the credit of Crime No.1644 of 2016 and the defacto complainant is entitled to withdraw the amount deposited. Barring the aforesaid modifications, all the conditions imposed therein remain unaltered.

6. In view of above, this criminal original petition is allowed.

18.05.2023

Index:Yes/No  
Neutral Citation:Yes/No  
ssm



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A.A.NAKKIRAN,J.

ssm

To

- 1.The Inspector of Police,  
Sankar Nagar Police Station,  
Chengalpattu District.
- 2.The Public Prosecutor,  
High Court, Madras.

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18.05.2023