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Crl.O.P.No.30662 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30662 of 2024

Moorthi

... Petitioner

Vs.

State rep. by
The Deputy Superintendent of Police,
DCB, Dharmapuri.
(Crime No.03 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 (1) of Criminal Procedure Code, pleaded to modify the condition that the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) before the concerned Judicial Magistrate in Cr.No.3 of 2024 of DCB Dharmapuri in Crl.M.P.No.2495 of 2024 in Crl.M.P.No.2256 of 2024 in Crime No.3 of 2024 dated 25.11.2024 passed by the learned District Judge, Dharmapuri.

For Petitioner : Mr.J.Pradeep

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

ORDER

This Petition has been filed to modify the condition that the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) before the



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concerned Judicial Magistrate in Cr.No.3 of 2024 of DCB Dharmapuri in Crl.M.P.No.2495 of 2024 in Crl.M.P.No.2256 of 2024 in Crime No.3 of 2024 dated 25.11.2024 passed by the learned District Judge, Dharmapuri.

2.The learned counsel for the petitioner submit that the petitioner was arrested on 22.08.2024 in Crime No.3 of 2024 registered for the offence under Sections 406 and 420 of IPC. The learned Principal District Judge, Dharmapuri, by order dated 16.10.2024 in Crl.M.P.No.2256 of 2024 granted bail to the petitioner on condition to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) before the concerned Judicial Magistrate to the credit of Crime No.3 of 2024. The learned counsel for the petitioner would further submit that since the petitioner was unable to comply with the onerous condition imposed by the learned Principal District Judge, Dharmapuri, filed a modification petition in Crl.M.P.No.2495 of 2024, and the learned Principal District Judge, Dharmapuri by order dated 25.11.2024 had modified the condition to deposit a sum of Rs.5,00,000/- to the credit of Crime No.3 of 2024. He would further submit that the Apex Court as well as this Court had consistently deprecated the practise of the Courts in imposing of condition to deposit the quantum of money that is alleged to have been cheated while granting bail. Due to the onerous condition imposed, the petitioner is unable



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to come out and thereby he would seek for modification of condition.

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3.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the value of total amount misappropriated by the petitioner herein is Rs.15,07,033/-. On the complaint given by the defacto complainant, the petitioner has been arrested on 22.08.2024. He would further submit that the petitioner has been granted bail on condition directing him to pay Rs.10 lakhs to the credit of Crime Number and later modified to Rs.5 lakhs, however, the petitioner has not deposited the agreed amount till date.

4.Heard the learned counsel for the parties.

5.Considering the above facts and circumstances and also the period of incarceration suffered from 22.08.2024 till today (109 days), the condition imposed on the petitioner that the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) before the concerned Judicial Magistrate in Cr.No.3 of 2024 of DCB Dharmapuri in Crl.M.P.No.2495 of 2024 in Crl.M.P.No.2256 of 2024 in Crime No.3 of 2024 dated 25.11.2024 passed by the learned District Judge, Dharmapuri is hereby setaside. The petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen



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Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned. The other conditions imposed by the learned Principal District Judge, Dharmapur vide order dated 25.11.2024 shall stand unaltered. The Criminal Original Petition is ordered accordingly.

09.12.2024

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NOTE : Issue Order Copy on 11.12.2024

To

- 1.The Principal District Judge,
Dharmapuri.
- 2.The Judicial Magistrate No.II,
Dharmapuri.
- 3.The Deputy Superintendent of Police,
DCB, Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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