



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

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

Crl.O.P.No.30983 of 2024

M.VIJAY
S/O.MUTHUSAMY, NO.1/85, EAST STREET, C
MAVILANGE, ALATHUR CIRCLE, PERAMBALUR
DISTRICT.

APPELLANT(S)

Vs

STATE REP. BY THE INSPECTOR OF POLICE,
SHANKAR NAGAR POLICE STATION, TAMBARAM
CITY. (CRIME NO.641 OF 2024)

RESPONDENT(S)

PRAYER : Criminal Original Petition filed under Section 483(1)(b) of BNSS, pleaded to modify the condition No.I which is imposed by the Principal District and Sessions Court at Chengalpattu in pursuance with order dated 02.12.2024 made in Crl.M.P.No.3570 of 2024.

For Petitioner : Mr.R.Sasikumar

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

ORDER

This petition has been filed seeking to modify the condition 'I' imposed by the learned Principal Sessions Judge Chennai in Crl.M.P.No.3570 of 2024 dated 02.12.2024.



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2. Learned counsel for the petitioner submitted that the petitioner was arrested on 21.11.2024 in Crime No.641 of 2024 registered for the offence under Section 21(1) of the Mines and Minerals (Development and Regulation) Act. He further submitted that the petitioner was enlarged on bail by the Principal District and Sessions Court, Chengalpattu, Crl.M.P.No.3570 of 2024 dated 02.12.2024 with a condition to produce Demand Draft for Rs.60,000/- to the Chairman/District Collector, The District Mineral Foundation Trust of Chengalpattu District (non-refundable) before the District Munsif cum Judicial Magistrate, Pallavaram.

3. He further submitted that the petitioner is a Driver and he is unable to raise the fund, thereby, despite the bail having been granted to the petitioner, he is suffering incarceration. He also submitted that the co-accused in this case has been granted anticipatory bail by this Court in Crl.O.P.No.29689 of 2024 dated 27.11.2024 with a condition to deposit only a sum of Rs.20,000/- to the credit of District Legal Services Authority, Chengalpaet. Therefore, if the condition is not modified, the petitioner will put to great hardship, hence, he seeks for modification of the condition.



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4. Taking into consideration the submission made by the learned counsel appearing for the petitioner, this Court is inclined to modify the conditions imposed by the trial Court in Crl.M.P.No.3570 of 2024 dated 02.12.2024. Accordingly, conditions 1 and 3 shall be removed and condition 2 shall be read as follows :-

"The petitioner/accused is ordered to be released on bail on his execution of bond for Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Pallavaram."

5. It is made clear that all other conditions remain unaltered. With the above modifications, this Criminal Original Petition stands ordered.

11.12.2024

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To

1. STATE REP. BY THE INSPECTOR OF POLICE,
SHANKAR NAGAR POLICE STATION,
TAMBARAM CITY. (CRIME NO.641 OF 2024)

Note : Issue order copy today (11.12.2024)



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A.D.JAGADISH CHANDIRA.,J.

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