



Crl.O.P.(MD)No.1751 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.1751 of 2024

1.Jeganathan

2.Maheswaran

... Petitioners/ A5 & A7

Vs

The State Rep by
The Inspector of Police,
Sayalkudi Police Station,
Ramathapuram District.
(Crime No.17 of 2024)

... Respondent/Complainant

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C r/w 439(1)(B), to modify the condition Nos.5(i) & (ii) made in Crl.MP.No.359 of 2024 by the learned Principal Sessions Judge, Ramanathapuram, dated 30.01.2024, and suitably modify the same.

For Petitioners : Mr.N.Adithya Vijayalayan, Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl. Side)

ORDER

This petition has been filed to modify the condition Nos.5(i) & (ii) imposed upon the petitioners in Crl.MP.No.359 of 2024, dated 30.01.2024, passed by the learned Principal Sessions Judge, Ramanathapuram.

2.Though the petitioners herein seeking modification in the condition Nos.5(i) & (ii) in the prayer portion, when the matter is taken up for hearing, they also seeking



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modification in condition No.5(iii) also imposed by the learned Principal Sessions Judge, Ramanathapuram.

3. The learned counsel for the petitioners would submit that by the order dated 30.01.2024, the learned Principal Sessions Judge, Ramanathapuram, has granted bail to the petitioners with certain conditions. Among them, the condition Nos.5(i), (ii) & (iii) are that '(i) the petitioners are ordered to be enlarged on bail on execution of bond for Rs.10,000/- (Rupees Ten Thousand Only) each with one blood surety and one normal surety for a like sum each to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Kadaladi.', '(ii) Before execution of bond, the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) each to the Credit of Crime No.17/2024 before the learned District Munsif-cum-Judicial Magistrate, Kadaladi without prejudice to his defence before the Judicial Magistrate concerned' and (iii) 'the petitioners shall report and sing before the learned District Munsif-cum-Judicial Magistrate, Kadaladi daily twice at 10.30 a.m and 05.00 p.m, untill further orders and on further condition that he shall make available himself for interrogation as and when required by the Investigation Officer;' There is no damage to the house-hold articles and documents of the defacto complainant. Even then, the learned trial Judge imposed the cost of Rs.20,000/- upon each petitioner



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and also directed them to furnish one blood surety each. The said conditions are onerous in nature. Because the petitioners are poor collie workers and they are not in a position to mobilize such a huge amount. Further, the learned Judicial Magistrate, Kadaladi is situated 10 km away from the residence of the petitioners. Hence, this Court may direct the petitioners to pay a sum of Rs.10,000/- each and order common surety and direct the petitioners to appear before the respondent police daily twice at 10.30 a.m, and 05.00 p.m untill further orders.

4.The learned Government Advocate (Crl.Side) has no objection to modify the conditions.

5.Insofar as the conditions 5(ii) is concerned, the petitioners set fire on the house-hold articles and the documents of the defacto complainant and caused damage to the tune of Rs.1,50,000/-. However, the learned trial Judge, only imposed Rs.20,000/- to each petitioner. It is not onerous in nature. Hence, this Court is not inclined to interfere with the said condition and the same is confirmed.

6. Taking into consideration of the submissions made by the learned counsel for the petitioners, the other condition Nos.5(i) and (iii) imposed in Crl.MP.No.359 of

<https://www.mhc.tn.gov.in/judis>



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2024 by the learned Principal Sessions Judge, Ramanathapuram, dated 30.01.2024, are modified to the effect that (i) the petitioners are ordered to be enlarged on bail on execution of bond for Rs.10,000/- ((Rupees Ten Thousand Only) common surety for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Kadaladi, and (iii) the petitioners shall report before the respondent police daily twice at 10.30 a.m and 05.00 p.m until further orders. The other conditions shall remain unaltered.

sd/-
06/02/2024

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08/02/2024
Sub-Assistant Registrar (CS-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

1. THE PRINCIPAL SESSIONS JUDGE, RAMANATHAPURAM
- 2 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE, KADALADI,
- 3.THE SUPERINTENDENT, DISTRICT PRISON, RAMANATHAPURAM.
- 4.THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

