



Crl.O.P.(MD)No.8820 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2024

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.8820 of 2024

S.Sesuraj

... Petitioner/Petitioner

Vs.

The Inspector of Police
EOW/CCIW CID PS,
Trichy.
Cr.No.3/2024

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Vacation Cr.M.P.No. 442/2024 dated 30.05.2024 passed by the learned Vacation Sessions Judge, Tiruchirappalli District and thereby modify the Condition No.1 imposed on the petitioner directing to deposit Rs.2,50,000/- ordered in Vacation Cr.M.P.No.201 of 2024 dated 16.05.2024.

For Petitioner	: Mr.K.GURUNATHAN, Advocate
For R1	: Mr.P.KOTTAI CHAMY, Government Advocate (Crl.Side)

ORDER

The petitioner has filed this Petition to set aside the order passed in Cr.M.P.No. 442 of 2024 dated 30.05.2024 passed by the learned Vacation Sessions Judge, Tiruchirappalli District and to modify the condition No.1 imposed on the



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petitioner directing to deposit a sum of Rs.2,50,000/- to the credit of Crime Number,
as ordered in Cr.M.P.No.201 of 2024.

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2. The petitioner and other accused have filed an application seeking for anticipatory bail before the Vacation Sessions Judge, Tiruchirappalli in Vacation Crl.M.P.No.201 of 2024 and the learned Sessions Judge has allowed the application and granted anticipatory bail to the petitioner with certain conditions ie., to deposit a sum of Rs.2,50,000/- to the credit of crime Number, apart from usual conditions. Thereafter, the petitioner has filed an application in Cr.M.P.No.442 of 2024, to modify the said condition of depositing a sum of Rs.2,50,000/- to the credit of Crime Number in Cr.M.P.No.201 of 2024 and the same was dismissed by the learned Sessions Judge, by order dated 30.05.2024. Challenging the above said order, the petitioner has filed this petition.

3. The learned counsel for the petitioner by relying on the judgment of the Hon'ble Supreme Court in Shane George Dsouza vs State of NCT of Delhi, in Criminal Appeal No.3080 of 2023 in S.L.P.(Crl.)No.4016 of 2023 submits that the learned Sessions Judge while deciding the bail application cannot impose condition of this nature and this amounts to onerous condition and there is no justification in imposing the condition, directing the petitioner to deposit a sum of Rs.2,50,000/- when he retired from service even in the year 2013 itself.



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4. The learned Government Advocate (Criminal Side) submits that the learned Sessions Judge has granted anticipatory bail only on the assurance given on behalf of the petitioner. In the event of the petitioner was not inclined to deposit the amount as directed by the Court, the petitioner ought to have mentioned before the Court, while passing such order. Instead, the petitioner has availed the anticipatory bail, which has been granted by the Court on 16.05.2024 and moved the application for modification only on 30.05.2024. Further he has filed this application as against both the orders.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.As rightly pointed out by the learned counsel for the petitioner, the Court while deciding the bail application or anticipatory bail, is not expected to impose condition of this nature. It is not known whether it is a condition imposed by the Sessions Judge or the condition imposed on the undertaking given by the petitioner. Hence, this Court is not inclined to set aside the order in Vacation Cr.M.P.No. 442 of 2024 dated 30.05.2024 passed by the learned Vacation Sessions Judge Tiruchirappalli District and remits the matter to the learned Sessions Judge to decide Vacation Cr.M.P.No.201 of 2024 dated 16.05.2024 afresh on its merits.



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7. With the above observation, this Criminal Original Petition is disposed of.

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sd/-
19/06/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

1 THE SESSIONS JUDGE,
TIRUCHIRAPPALLI DISTRICT.

2 THE INSPECTOR OF POLICE
EOW/CCIW CID PS, TRICHY.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.GURUNATHAN K Advocate SR.No.28422 (F) DT.19/06/2024.

ORDER IN
CRL OP(MD) No.8820 of 2024
Date :19/06/2024

SA/GS/SAR. /18.07.2024/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.