



Crl.O.P.(MD)No.15818 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.14804 of 2024

Ahamedsulyman @ Sulaiman

... Petitioner / Petitioner /
Accused No.2

vs.

The Sub Inspector of Police,
North Police Station, Thoothukudi.
(Crime No.196 of 2024)

... Respondent / Respondent /
Complainant

Prayer:- Petition filed under Section 483(1)(b) BNSS Act, to modify the second condition as imposed in Cr.MP.No.5446 of 2024 in Crime No.196 of 2024 on the file of the learned Principal Sessions Judge, Thoothukudi of depositing a sum of Rs.50,000/- on the petitioner before the learned Judicial Magistrate No.III, Thoothukudi, by an order dated 19.08.2024 within the period specified by this Court.

For Petitioner : Mr.G.Radhakrishnan
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition is filed to modify the second condition imposed on the petitioner by the learned Judicial Magistrate No.III, Thoothukudi, in Cr.MP.No.5446 of 2024, dated 19.08.2024.



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2. The learned counsel for the petitioner seeks modification of the second condition to deposit a cash security of Rs.50,000/- (Rupees Fifty Thousand Only) before the learned Judicial Magistrate No.III, Thoothukudi. When the offence is also charged under the TNPPDL Act, the imposition of a condition to deposit a cash security of Rs.50,000/-, especially when the two wheeler belonging to the defacto complainant is alleged to have been set on fire, cannot be termed as incorrect.

3. However, It is seen that though bail is granted by the trial court on 19.08.2024, till date the petitioner could not come out because he is not in a position to muster the said amount and pay the same.

4. In view thereof, so as to strike a balance to safeguard the liberty and also to consider the background of the offence, in which the condition is imposed, I am inclined to modify the condition as follows:-

i) 1 The petitioner shall be enlarged on bail and within a period of six months from the date of enlargement, the petitioner shall deposit a cash security of Rs.50,000/- (Rupees Fifty Thousand Only) before the learned Judicial Magistrate No.III, Thoothukudi, as directed by the trial court to the credit of the Crime No.196 of 2024.



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5. with the above modification, the Criminal Original Petition stands allowed.

20.09.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
dss

Note : Issue order copy on 20.09.2024

To

1. The Principal Sessions Judge,
Thoothukudi.
2. Judicial Magistrate No.III,
Thoothukudi
- 3.The Sub Inspector of Police,
North Police Station, Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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