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Crl.O.P.(MD)No.21199 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21199 of 2024

Vinoth

.. Petitioner

Vs.

The Inspector of Police
District Crime Branch
Trichy District

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the order passed in Crl.M.P.No.6334 of 2023 dated 01.12.2023 on the file of the Principal District and Sessions Judge, Tiruchirapalli and modify the condition.

For Petitioner : Mr.A.Arun
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Tiruchirapalli in Crl.M.P.No.6334 of 2023 dated 01.12.2023.



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2. The petitioner/ accused in Crime No.18 of 2023 for the offence under Sections 420, 406, 506(i) and 294(b) of IPC was arrested by the respondent police on 07.08.2023. The petitioner had moved a bail application in Cr.M.P.No.4580 of 2023. The learned Principal District and Sessions Judge, Tiruchirappalli, by order dated 20.09.2023, had granted bail to the petitioner with a condition to deposit a sum of Rs.5,00,000/- to the credit of Crime number. The petitioner was unable to deposit the said amount and hence, he filed a modification petition in Cr.M.P.No.6334 of 2023. The learned Sessions Judge by order dated 01.12.2023 dismissed the same, against which, the present petition has been filed.

3. The contention of the petitioner is that despite the petitioner was granted bail as early as on 20.09.2023, it is almost more than a year still the petitioner is languishing in prison due to the onerous condition of depositing Rs.5,00,000/-. Hence, the petitioner sought modification.

4. The learned Government Advocate(Crl.Side) submitted that in this case investigation completed and charge sheet filed and the case was taken on file in CC.No.1293 of 2023. The case is now posted for



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questioning the petitioner on 05.12.2024. The petitioner is involved in job rocking and he cheated two persons to the tune of Rs.15,50,000/-.

Considering the nature of the offence and gravity of offence, the Sessions Court had rightly imposed such condition. The learned Government Advocate(Crl.Side) on enquiry found that the parents of the petitioner are agricultural coolies and the petitioner is in poverty situation.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner is in jail from 20.09.2023 even after getting bail, the Condition Nos.1 and 2 imposed by the learned Principal District and Sessions Judge, Tiruchirapalli in Crl.M.P.No.4580/2023, dated 20.09.2023 is hereby modified as follows;-

(i) Ordering the petitioner to deposit a sum of Rs. 5,00,000/- to the credit of the case in crime number and execute a bond for a sum of Rs.25,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Tiruchirappalli, are hereby set aside. Instead, the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Tiruchirapalli.



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(ii). The petitioner / accused is directed to appear and sign before the respondent police station daily at 10.00 a.m., for a period of 30 days, is hereby set aside, since now investigation completed and charge sheet filed in C.C.No.1293 of 2023.

6.All other conditions from Condition Nos.3 to 7 are unaltered.

7. In view of the above order, the order passed in Crl.M.P.No.6334 of 2023, dated 01.12.2023, become irrelevant.

8. With the above modification, this Criminal Original Petition is allowed.

05.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 05.12.2024



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To

1. The Principal District and Sessions Judge, Tiruchirapalli
2. The Inspector of Police
District Crime Branch
Trichy District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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