



Crl.O.P.(MD)No.21241 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.21241 of 2023

and

Crl.M.P.(MD)No.16788 of 2023

Vairavan

... Petitioner/Sole Accused

Vs.

The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(Crime No.252 of 2023)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 439(1)(B) of the Code of Criminal Procedure, to modification the condition No.(i) relating to the order in Cr.M.P.No.4978 of 2023 on the file of the learned Principal District and Sessions Judge, Virudhunagar District Srivilliputtur dated 21.09.2023 and return the deposited money to the petitioner.

For Petitioner : Mr.B.DHANASEKARAN, Advocate

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to modify the condition No.(i) relating to the order in Cr.M.P.No.4978 of 2023 on the file of the learned Principal District and Sessions Judge, Virudhunagar District Srivilliputtur dated 21.09.2023 and



Crl.O.P.(MD)No.21241 of 2023

return the deposited money to the petitioner.

WEB COPY

2.The learned counsel appearing for the petitioner would submit that the petitioner is an accused in Cr.No.252 of 2023, which was registered for the offence punishable under Section 435 IPC and he was arrested on 29.08.2023. Therefore, the petitioner filed a bail petition in Crl.M.P.No.4978 of 2023 before the learned Principal District and Sessions Judge, Virudhunagar District Srivilliputtur and the same was ordered on condition that the petitioner should deposit a sum of Rs.50,000/- to the credit of District Mediation Centre, Virudhunagar District Srivilliputtur. He would further submit that the petitioner is a poor man and hence, he borrowed a sum of Rs.50,000/- and deposited the same as directed by the Court below. However, he was unable to pay interest for the borrowed amount and he is regularly complying with the conditions as imposed by the Court below. Hence, he prayed to direct the Court below to return the deposited amount.

3.Heard and perused the materials available in the records.

4.On perusal of records reveals that the Court below, while allowing the bail petition imposed a condition that the petitioner should deposit a sum of Rs.50,000/- to the credit of District Mediation Centre, Virudhunagar District Srivilliputtur and the petitioner also deposited the amount as directed by the Court below. Once the conditional order was complied with, there is no question of modifying the same. If



Crl.O.P.(MD)No.21241 of 2023

WEB COPY

the petitioner preferred the present petition, before complying the order imposed by the Court below, the same may be entertained. However, the petitioner is at liberty to file a petition before the Court below seeking appropriate remedy. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

sd/-
05/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO
1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUTHUNAGAR DISTRICT.

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

ORDER IN
Crl.O.P.(MD)No.21241 of 2023 and
Crl.M.P.(MD)No.16788 of 2023
Date :05/01/2024

SA/DD/SAR. /11.01.2024/3P/4C

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