



CRL.OP(MD). No.682 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2025**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). No.682 of 2025

Srikanth

... Petitioner/Accused No.1

Vs.

The State of Tamil Nadu
Represented by
The Inspector of Police,
Peraiyur Police Station,
In Crime No.71 of 2024,
Ramanathapuram District.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order in CrI.M.P.No.5305 of 2024 on the file of the Principal Sessions Judge, Ramanathapuram dated 20.12.2024 and consequently modify the 2nd condition as without any deposit instead to direct the petitioner to deposit a sum of Rs.1,50,000/- to the credit of Crime No.71 of 2021 before the Learned District Munsif Cum Judicial Magistrate, Kamuthi without prejudice to the defense in CrI.M.P.No.4043 of 2024 dated 04.10.2024.



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For Petitioner : Mr.C.Susikumar
For Respondent : Mr.S.Ravi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed questioning one of the condition that was imposed by the learned Principal Sessions Judge, Ramanathapuram while enlarging the petitioner on bail by an order dated 04.10.2024 in CrI.M.P.No.5305 of 2024, wherein the petitioner was directed to deposit a sum of Rs.1,50,000/- to the credit of Crime No.71 of 2024. The modification petition that was filed before the Court below in CrI.M.P.No.5305 of 2024 was also dismissed by the Court below by an order dated 20.12.2024.

2. The learned Additional Public Prosecutor submitted that, the above condition was imposed based on the undertaking that was given by the petitioner and the submission made by the learned counsel appearing for the petitioner to the effect that the petitioner will deposit a sum of Rs. 1,50,000/-. He further submitted that the investigation has been completed and the police report has been filed and it was taken on file by the learned Judicial Magistrate, Kamuthi and charges have been



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framed and the case is now at the stage of examination of LW1 to LW3.

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3. The learned counsel for the petitioner submitted that, petitioner is a man without means and he was represented through Legal-aid Counsel. He further submitted that, there was some lack of communication, as a result of which, such an undertaking was given before the Court and till date, the petitioner is not in a position to arrange for funds, as a result of which, petitioner has suffered incarceration for nearly 173 days.

4. Taking into consideration the submissions made on either side and the materials available on record and also considering the prolonged incarceration of the petitioner and his inability to deposit the amount, this Court is inclined to interfere with the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.1,50,000/-.

5. Accordingly, the condition in clause 5(ii) imposed in CrI.M.P.No.4043 of 2024 is hereby set aside and the other conditions imposed by the Court below shall stand as it is.



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6. Accordingly, this Criminal Original Petition is allowed in the above terms.

20.01.2025

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

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Note : Issue Order Copy on 20.01.2025

To

1. The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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Order made in
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20.01.2025