



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE P. DHANABAL**

Crl.O.P(MD)No.3555 of 2025

L.Vijayaragavan

... Petitioner

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Srirangam Police Station,
Trichy City.
Crime No.669/2024.

... Respondent

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to modify the order in so far as the Condition No. 8(1) in CrI.R.C. No. 41 of 2024 on the file of the Learned Principal District and sessions judge, Tiruchirappalli Trichy District dated 23.01.2025.

For Petitioner : Mr.S.Sathyachidambaram,

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



ORDER

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This Criminal Original Petition has been filed seeking a direction to modify the Condition No. 8(1) imposed in CrI.R.C. No. 41 of 2024 on the file of the learned Principal District and Sessions Judge, Trichy District, dated 23.01.2025.

2. According to the petitioner, the trial Court has imposed onerous condition to deposit a sum of Rs.1 Lakh to the credit of the crime number. The case is under investigation. At this stage, the trial Court has directed the petitioner to deposit the said amount, will affect the fair trial, which is an onerous condition and therefore, he prayed to relax the said condition.

3. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner involved in sand theft, which is contrary to the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 by using the vehicle bearing Registration No. TN-11J-6628 and the same was also seized. Therefore, the trial Court has imposed the above said condition.

4. This Court heard both sides and perused the records.



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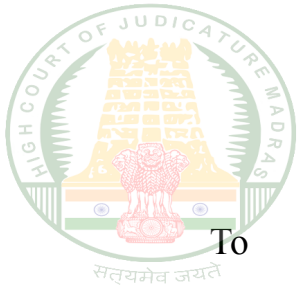
5. According to the petitioner, the Revision Court correctly ordered for the interim custody of the vehicle, but imposing condition to deposit a sum of Rs.1,00,000/- is onerous. When the trial is pending before the trial Court, the condition imposed by the revision Court will affect the fair trial. This Court perused the order passed by the Revision Court and the imposed condition to execute the bond and also directed the petitioner to deposit the original R.C. Book of the vehicle. Therefore, those conditions are sufficient, and imposing the condition to deposit a sum of Rs.1,00,000/- is too harsh.

6. Considering that the case is still pending and imposing such condition will affect the fair trial and also the amount specified by the trial Court is onerous condition, the condition No.8(1) imposed by the Revision Court shall stand deleted and all other conditions shall remain unaltered.

7. With the above direction, this Criminal Original Petition is allowed.

25.02.2025

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



To

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1. The Principal District and Sessions Judge,
Trichy.

2. The State of Tamil Nadu,
Rep by the Inspector of Police,
Srirangam Police Station,
Trichy City.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

LR

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