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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

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THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP(MD) No. 3082 of 2025

Arumugam

.. Petitioner/Petitioner/ A1

Vs

The State of Tamil Nadu,
rep. by the Inspector of Police,
CCD-III Police Station,
Theni.
Crime No.26 of 2024

... Respondent/Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 483(1)(b) of BNSS, to modify the condition - "The petitioner shall deposit a sum of Rs.2,00,000/- in Crime No.26/2024 and the same may be deposited as FD and may be released as per the direction of the superior Court" imposed in the bail order dated 30.01.2025 passed in Crl.M.P.No.253/2025 on the file of the Judicial Magistrate Court, Theni.

For Petitioner : Mr.M.S.Senthil Kumar, Advocate

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner on 17.02.2025 seeking to modify the condition of depositing a sum of Rs.2,00,000/- imposed in the bail order dated 30.01.2025 passed by the learned Judicial Magistrate, Theni in CrI.M.P.No.253 of 2025.

2. Mr.M.S.Senthilkumar, learned counsel appearing for the petitioner, submits that the learned Judicial Magistrate, Theni, while granting statutory bail to the petitioner, imposed an onerous condition directing the petitioner to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in Crime No.26 of 2024 and that the petitioner is still in judicial custody due to his inability to deposit the aforesaid amount. He further submits that the petitioner is unable to comply with Condition No.1 due to his financial crisis. Hence, he prays for a modification of the said condition.

3. Mr.S.S.Manoj, learned Government Advocate (Crl. Side), appearing for the respondent-police, submits that in this case, there was a bank transaction involving nearly Rs.49,07,118/-. The Trial Judge, after considering these aspects, imposed Condition No.1, which does not require any modification. Hence, the learned



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Government Advocate (Crl. Side) appearing for the respondent-police, prays that the order passed by the Trial Court be sustained.

4. Heard on both sides. This Court has perused the records.

5. On perusal of the bail order, it is seen that the learned Judicial Magistrate, Theni, while granting statutory bail to the petitioner, directed him to deposit a sum of Rs.2,00,000/- in Crime No.26 of 2024. This Court is of the view that the said condition is an onerous one. It is settled law that while granting statutory bail, the Court cannot impose such an onerous condition. Hence, this Court is inclined to delete Condition No.1 in its entirety. Accordingly, Condition No.1 imposed by the learned Judicial Magistrate, Theni, in Crl.M.P.No.253 of 2025 vide order dated 30.01.2025, is hereby deleted. The other conditions shall hold good.

6. With the above observation, this Criminal Original Petition is allowed.

Sd/-
19/02/2025

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19/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CCD-III POLICE STATION,
THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.3082 of 2025

Date :19/02/2025

ES/SAR/19.02.2025/4P/5C

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