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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).3510 of 2025

Kannan

... Petitioner / Petitioner

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
DCB Police Station,
Theni District.
(Crime No.21 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483(1)(b) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to modify the condition imposed by an order dated 12.02.2025 made in Crl.M.P.No.354 of 2025 on the file of the Judicial Magistrate, Theni directing the petitioner to deposit a sum of Rs.20,00,000/- as fixed deposit in the Crime Number.

For Petitioner : Mr.M.Jerin Mathew,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.02.2025

under Section 483(1)(b) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023



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praying to modify the condition imposed by an order dated 12.02.2025 made in Crl.M.P.No.354 of 2025 on the file of the Judicial Magistrate, Theni directing the petitioner to deposit a sum of Rs.20,00,000/- as fixed deposit in the Crime Number is concerned.

2. Mr.M.Jerin Mathew, the learned counsel for the petitioner, submits that the petitioner is working as an electrician in the private mill and earning only a sum of Rs.15,000/- per month and therefore the petitioner is not in a position to comply with the condition No.(i) passed in Crl.M.P.No.354 of 2025 on 12.02.2025 by the Judicial Magistrate Court, Theni.

3. *Per contra*, Mr. S.S. Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner had received nearly Rs. 48 lakhs from various persons and also collected commissions by falsely promising to secure government jobs in the Judicial Department. Hence, the learned Judicial Magistrate, Theni, after hearing the entire facts and circumstances, ordered to deposit Rs.20,00,000/- (Rupees Twenty Lakhs only) in Crime No.21 of 2024 on the file of the respondent-police before the Judicial Magistrate Court, Theni. Hence, there is no need for any modification of the order passed by the learned Judicial Magistrate, Theni. He, therefore, prays to dismiss this petition.



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4. Heard on both sides. This Court has perused the materials available on record.

5. It is stated that the petitioner is working as an electrician in a private mill and earning only a sum of Rs.15,000/- per month. Considering the facts and circumstances of the cases and also considering the submissions made on either side, this Court is inclined to modify the condition No.(i) as “the petitioner / A4 shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Crime No.21 of 2024 on the file of the respondent-police, before the learned Judicial Magistrate, Theni. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.21 of 2024”.

6. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
27/02/2025

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03/03/2025

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,
DCB POLICE STATION,
THENI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3510 of 2025
Date :27/02/2025

SS/SAR- /03/03/2025/ 4P/5C

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