



CRL OP(MD). No.7847 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7847 of 2025

Samiraja

... Petitioner/ Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
District Crime Branch,
Theni.
Crime No.15 of 2019.

... Respondent/ Complainant

Prayer : This Criminal Original Petition has been filed under Section 528 of BNS, 2023 r/w. 438(1)(b) of BNS, 2023 to modify condition No.1 as to deposit a sum of Rs.50,00,000/- in fixed deposit of the trial Court in Crime No.15 of 2019 imposed by the learned Judicial Magistrate, Theni in Cr.M.P.No.1066 of 2025, dated 08.04.2025.

For Petitioner : Mr. S.Muniyandi

For Respondent : Mr.S.S. Manoj

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to modify condition No.(i) as to deposit a sum of Rs.50,00,000/- in fixed deposit of the trial Court in Crime No.15



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of 2019 imposed by the learned Judicial Magistrate, Theni in Cr.M.P.No.1066 of 2025, dated 08.04.2025.

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2. Mr.S. Muniyandi, learned counsel for the petitioner submits that the petitioner was arrested on 06.02.2025. The respondent – Police did not file a charge sheet within the prescribed time under Section 187(2) of BNS, 2023. Hence, the learned Judicial Magistrate by invoking Section 187(2) of BNS, 2023 granted statutory bail. While granting statutory bail, the learned Judicial Magistrate directed the petitioner to deposit a sum of Rs.50,00,000/- in the said crime number, which is onerous one and hence, he seeks modification of the said condition.

3. Heard the learned counsel appearing for the petitioner and Mr.S.S.Manoj, learned Government Advocate (Crl. Side) appearing for the respondent – Police.

4. Time and again, the Hon'ble Apex Court ruled out while granting statutory bail onerous condition should not be imposed on the petitioner / accused. Hence, this Court is of the considered view that the condition No.(i) imposed on the petitioner by the learned Judicial Magistrate, Theni in Cr.M.P.No.1066 of 2025, dated 27.11.2024 is onerous one and hence, the same is to be deleted.

4. Accordingly, the condition No.(i) imposed by the learned Judicial Magistrate, Theni in Cr.M.P.No.1066 of 2025, dated 08.04.2025 is hereby deleted. The other conditions shall hold good.



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5. This Criminal Original Petition is ordered accordingly.

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Sd/-
28/04/2025

// True Copy //

/ /2025
Sub Assistant Registrar
(CS - I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai.

TRP

TO

1.The Judicial Magistrate,
Theni.

2.Do Through
The Chief Judicial Magistrate,
Theni.

3. The Inspector of Police,
District Crime Branch,
Theni.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-4921[I] dated 28/04/2025)

ORDER
IN

CRL OP(MD). No.7847 of 2025
28.04.2025

BV (07/05/2025) 3P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.