



CRL.OP(MD). No.11219 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2025

COROM

THE HON'BLE MR.JUSTICE P.VADAMALAI

CRL.OP(MD). No.11219 of 2025

Deivigamohan @ Vetrivel

... Petitioner / Accused

Vs.

The State of Tamil Nadu rep by,
The Inspector of Police,
District Crime Branch,
Theni.
(Crime No.37 of 2025)

... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 483(1)(b) r/w 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to modify the condition in para no.5 stipulated in Crl.M.P.No.1241 of 2025 on the file of the learned Principal Sessions Judge, Theni dated 19.06.2025.

For Petitioners : M/s.S.Prabha,
Advocate

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



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ORDER

This petition has been filed seeking for modification of the condition in para no.5 stipulated in Crl.M.P.No.1241 of 2025 on the file of the learned Principal Sessions Judge, Theni, dated 19.06.2025.

2. The learned counsel would submit that the petitioner has been arrayed as A4 in the present case, whereas the main accused persons, A1 to A3, are said to have swindled the entire amount belonging to the defacto complainant. The petitioner had approached the Legal Aid Counsel for obtaining bail. Though he was granted statutory bail, he has been unable to comply with the condition of depositing a sum of Rs.10,00,000/-, and therefore, he continues to remain in custody. Unless the said condition is modified, the petitioner will be subjected to serious loss and hardship. In support of his arguments, he relied on the judgment of the Hon'ble Supreme Court of India in Saravanan vs. State represented by the Inspector of Police in Criminal Appeal Nos. 681 and 682 of 2020.

3. Heard the learned counsel on both sides and perused the materials available on record.



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4. Considering the nature of the offence, the fact that the petitioner is still in custody, and also taking into account the judgment of the Hon'ble Supreme Court cited supra, this Court is of the view that the condition in para no.5 stipulated by the Court below is onerous. Accordingly, the condition in para no.5 imposed by the Court below in Crl.M.P.No.1241 of 2025 dated 19.06.2025, i.e., "the petitioner is directed to deposit Rs.10,00,000/-", is hereby set aside. The other conditions imposed by the Court below shall stand as it is.

5. Accordingly, this Criminal Original Petition is allowed.

sd/-
04/07/2025

/ TRUE COPY /

/ /2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL SESSIONS JUDGE,
THENI.

2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI



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3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11219 of 2025

Date :04/07/2025

MGJ(22.07.2025)/4P/ 4C

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