

CrI.O.P.(MD)No.15809 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.(MD)No.15809 of 2023

Ramasamy

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.302 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition No.(i) imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Cr.M.P.No.4099 of 2023 dated 14.08.2023 on the petitioner shall deposit a sum of Rs.2,00,000/-(Rupees Two Lakhs only) to the District Mediation Centre, Virudhunagar District at Srivilliputtur and another sum of Rs.1,00,000/-(Rupees One Lakh only) in the name of “Chief Civil Surgeon Medical Officer, Srivilliputtur, S/B.Account No.30362487894 IFSC Code SBIN0000921 State Bank Of India, Srivilliputtur” in Crime No.302 of 2023 dated 30.07.2023 on the file of the respondent.

1/6



WEB COPY



CrI.O.P.(MD)No.15809 of 2023

For Petitioner : Mrs.A.Dharani

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to modify the condition No.(i) imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Cr.M.P.No.4099 of 2023 dated 14.08.2023 on the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the District Mediation Centre, Virudhunagar District at Srivilliputtur and another sum of Rs.1,00,000/- (Rupees One Lakh only) in the name of “Chief Civil Surgeon Medical Officer, Srivilliputtur, S/B.Account No.30362487894 IFSC Code SBIN0000921 State Bank Of India, Srivilliputtur” in Crime No.302 of 2023 dated 30.07.2023 on the file of the respondent.

2.The learned counsel appearing for the petitioner would contend that as per prosecution case on 30.07.2023, at about 06.00 am., when the police party on duty, the petitioner came in a two wheeler with two white



CrI.O.P.(MD)No.15809 of 2023

WEB COPY

colour sacks and A2 was travelled as pillion rider. On suspicion, the respondent police stopped the vehicle and searched it. Both the accused found in illegal possession of 17 kgs of tobacco worth about Rs.17,430/-. Hence, a case in Cr.No.302 of 2023 was registered for the offence under Sections 328 IPC r/w Section 6(b), 24(1) of the Cigarette and Other Tobacco Products Act and the petitioner and A2 was arrested and remanded to judicial custody on 30.07.2023. Thereafter, the petitioner herein filed a bail application in Cr.M.P.No.4099 of 2023 before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur and the learned Judge on 14.08.2023 granted bail to the petitioner on condition that the petitioner should deposit a sum of Rs. 2,00,000/-(Rupees Two Lakhs only) to the District Mediation Centre, Virudhunagar District at Srivilliputtur and another sum of Rs.1,00,000/-(Rupees One Lakh only) in the name of “Chief Civil Surgeon Medical Officer, Srivilliputtur, S/B.Account No.30362487894 IFSC Code SBIN0000921 State Bank Of India, Srivilliputtur” in Crime No.302 of 2023 dated 30.07.2023 on the file of the respondent. The petitioner is a daily wage coolie worker and his family members also depended on him. Hence, the petitioner is not in a position to comply the above said



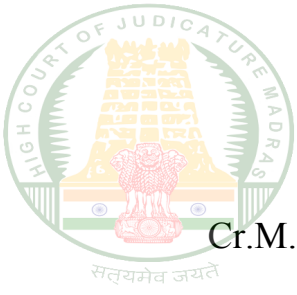
Crl.O.P.(MD)No.15809 of 2023

condition. Hence, the petitioner filed the present petition to modify the above said condition.

3.The learned Additional Public Prosecutor appearing for the respondent would contend that the petitioner and another accused were found in illegal possession of 17.000 kgs of tobacco and hence, the trial Court rightly imposed the condition and it need not any interference by this Court. Therefore, this criminal original petition is liable to be dismissed.

4.Heard both sides and perused the materials available in the records.

5.Considering the representations made by both sides and considering the value of the materials seized by the respondent and considering that the condition imposed by the trial Court is onerous, this Court is inclined to set aside the condition imposed by the trial Court. Accordingly, the condition No.(i) imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in



CrI.O.P.(MD)No.15809 of 2023

Cr.M.P.No.4099 of 2023 dated 14.08.2023 alone is hereby set aside and

the other conditions remains unaltered.

6.In the result, this criminal original petition is allowed.

31.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.

2.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

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

5/6



WEB COPY



CrI.O.P.(MD)No.15809 of 2023

P. DHANABAL,J.

gns

CrI.O.P.(MD)No.15809 of 2023

31.08.2023