

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :- 27.05.2015
CORAM

THE HONOURABLE MR.JUSTICE P.DEVADASS

Crl.O.P.No.12840 of 2015

Gopi @ Muttai Gopi

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Petitioner

Vs

State rep. by Inspector of Police,
P6 Kodungaiyur Police Station,
Chennai.

Respondent

PRAYER: Criminal Original Petition filed under section 482 of Criminal Procedure Code praying to modify the conditions imposed in the order, dated 20.05.2015, passed in Crl.M.P.No.7732 of 2015 on the file of Vacation Sessions Judge/III Additional Sessions Judge, Chennai.

For Petitioner : Mr.K.S.Kaviarasu
For Respondent : Mr.K.Prabakar
Government Advocate (Crl.Side)

ORDER

This petition is for modification of certain portions of the bail condition imposed by the learned III Additional Session Judge, Chennai.

2. Heard the learned counsel for the petitioner and also the learned Government Advocate (Crl.Side) for the respondent.

3. The bail orders are opposite to jail orders. Chapter 33 of the Code of Criminal Procedure deals with granting of bail and also bail bonds. In the said Chapter 33, in section 442 Cr.P.C., it is clearly mentioned that the surety amount should not be excessive.

4. Now, in this case, the petitioner is alleged to have demanded Rs.1,700/- at knifepoint from the de facto complainant.

5. It is relevant to note the submission of the learned counsel for the petitioner that it is a put up case and put up for suitable purpose.

6. In this case, on 20.05.2015, the learned III Additional Sessions Judge, Chennai, was pleased to grant the bail, however, directed the petitioner to furnish bail bond for Rs.50,000/- with two sureties and to deposit Rs.1,000/- and also directed the petitioner to appear daily twice before the Police. It is almost denial of bail. It is nothing but giving bail by one hand and taking it away by another hand. In the circumstances of the case, the said conditions are oppressive in nature. It militates against Article 21 of Constitution of India, and also the principles laid down by the Hon'ble Supreme Court in Menaka Gandhi Vs. Union of India (A.I.R. 1978 SC 597).

7. In the circumstances, the conditions imposed on the petitioner by the learned III Additional Sessions Judge, Chennai, in CrI.M.P.No.7732 of 2015, on 20.05.2015 are modified to the effect the petitioner shall execute a bond for Rs.5,000/- (Rupees Five Thousand Only) with two sureties each for a likesum to the satisfaction of the learned V Metropolitan Magistrate, Chennai, and the petitioner shall appear before the said Magistrate on Monday and Friday, at 10.30 a.m. for a period of two weeks.

8. Accordingly, the petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sd/srn

To

1. The Principal Judge, City Civil Court, Chennai
2. III Additional Sessions Judge, Chennai, /Vacation Sessions Judge
- 3.-do- Thro The Prl. Sessions Judge, Chennai
4. The Inspector of Police,
P6 Kodungaiyur Police Station,
Chennai.
- 5 The Public Prosecutor,
High Court, Chennai.
- 6.The V Metropolitan Magistrate, Chennai.
- 7.Do Thro The Chief Metropolitan Magistrate, Chennai.

CrI.O.P.No.12840 of 2015

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pmk.1.6.2015