

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.20778 & 20780 of 2015

Sunny ... Petitioner in
Crl.O.P.No.20778/2015

Ashraf Ali ... Petitioner in
Crl.O.P.No.20780/2015

Vs.

State Inspector of Police
CCB, Egmore,
Chennai.
(Cr.No.47 of 2015) ... Respondent in
both the Crl.OPs

COMMON PRAYER: Criminal Original Petitions are filed under Section 439(1) (b) R/w 482 of Cr.P.C to modify the bail condition of depositing a sum of Rs.50,000/- and also to furnish a surety who is to be his blood relative and permit the petitioner to furnish ration card sureties without title deeds in the above Crl.MP.Nos.2056 & 2057 of 2015 on 06.08.2015 in Cr.No.47 of 2015 on the file of the respondent herein.

For Petitioners in
both Crl.OPs. : Mr.M.Rajavelu

For Respondent in : Mr.C. Emalias
both Crl.OPs. Addl. Public Prosecutor

C O M M O N O R D E R

These criminal original petitions have been filed to modify the bail condition of depositing a sum of Rs.50,000/- and also to furnish a surety who is to be his blood relative and permit the petitioner to furnish ration card sureties without title deeds in the above Crl.MP.Nos.2056 & 2057 of 2015 on 06.08.2015 in Cr.No.47 of 2015 on the file of the respondent herein.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3. The case of the prosecution is that these petitioners have cheated 45 customers by obtaining their bank account details and

withdrawing money in ingenious manner. The Learned Principle Sessions Judge, Tiruvallur, granted statutory bail by an order dated 06.08.2015 on condition that the petitioners should deposit a sum of Rs.50,000/- and also should execute a bond for Rs.1,00,000/- with two sureties, one of whom should be a blood relative of the accused.

4. Mr.M.Rajavelu, learned counsel for the petitioners submits that the aforesaid condition is very onerous and the petitioners are not able to comply with the same.

5. It is true that the Hon'ble Supreme Court has held that the Court should not impose onerous condition while granting bail. However, in this case taking into consideration the manner in which the offence has been committed and also the quantum involved in this case, the Court below has directed the petitioners to deposit only Rs.50,000/-.

6. In the considered opinion of this court, it is not an onerous condition. However, as regards the condition relating to furnishing of a bond of Rs.1,00,000/- with two sureties, this Court is of the view, to serve the interest of justice, the bond, as directed by the court below at Rs.1,00,000/- is hereby reduced to Rs.50,000/- with two sureties, one of whom shall be a blood relative of the accused.

With the above modification, this criminal original petition is ordered accordingly. Rest of the conditions imposed by the court below shall remain unaltered.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

sms
To

1. Inspector of Police
CCB, Egmore,
Chennai.
2. The Principle Sessions Judge,
Tiruvallur.
- 3.The Judicial Magistrate No.1,
Poonamallee.

4. The Public Prosecutor,
High Court, Madras.

2 cc to Mr.M.Rajavelu , Advocate Sr.No.43913, 43923

CrI.O.P.Nos.20778 & 20780 of 2015

vsn (co)
pmk.20.8.2015



WEB COPY