

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. No. 10507 of 2016

And

Crl.M.P.No. 5542 of 2016

1. M.Sangeetha
2. Kalyaan Kumar Petitioners

Vs.

The State
Represented by the Inspector of Police
R1 Police Station
Mambalam
T.Nagar
Chennai - 600 017. Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside and modify the onerous condition to pay cash security of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No. 538 of 2016 before the XI Metropolitan Magistrate Court, Chennai, in the order dated 29.04.2016 passed in Crl.M.P.No. 6101 of 2016 on the file of the Court of Sessions at Chennai, Principal Sessions Judge.

For Petitioner : Mr.PL. Narayanan
For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed by the petitioner seeking to set aside and modify the condition to pay cash security of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No. 538 of 2016 before the XI Metropolitan Magistrate Court, Chennai, in the order dated 29.04.2016 passed in Crl.M.P.No. 6101 of 2016 on the file of the Court of Sessions at Chennai, Principal Sessions Judge.

2. The learned Magistrate while granting anticipatory bail to the petitioner, directed the petitioner to deposit a sum of Rs.25,000/- and to execute a bond for Rs.10,000/- each with two sureties.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not capable of paying any cash security as directed by the learned Magistrate. It is further submitted that it is not permissible under law to imposing deposit of cash security along with sureties and he also relied upon the Judgement of this Court in Alluvdin Vs. Inspector of Police, Vandhavasi Police Station, reported in 2001 (2) ALT (Cri) 212 and therefore, the condition of cash security may be modified.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Taking into consideration the plight of the petitioners, it appears that the above said condition is onerous in nature. Hence, the condition No.2 imposed on the petitioners to deposit a sum of Rs.25,000/- before the learned XI Metropolitan Magistrate Court, Chennai, is deleted. The rest of the condition in the order of the learned Magistrate shall remain unaltered. The petitioner is directed to appear before the concerned Court within a period of two weeks from the date of receipt of the copy of the order and execute the surety.

6. With the above modification, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsg/sri
To

1. The Inspector of Police
R1 Police Station
Mambalam,T.Nagar, Chennai - 600 017.
2. The Public Prosecutor,
High Court of Madras,Chennai.
3. The XI Metropolitan Magistrate, Chennai.
4. The Principal Sessions Judge, Chennai.

+2 cc's to M/s.PL.Narayanan, Advocate,SR.28394 (18/5/16)

Cr1.O.P. No. 10507 of 2016

MP(CO)
Eu 13.05.16