

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.19387 of 2016

P.Hilda

... Petitioner

Vs

State by Inspector of Police,
Central Crime Branch,
Chennai
(Crime No.277 of 2015)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition of "The petitioner shall execute a bond for a sum of Rs.10,00,000/- with one surety to the likesum" order passed in Cr.M.P.No.4654 of 2015 in CCB X Cr.No.277/2015 dated 21.12.2015 by the Learned XI Metropolitan Magistrate, Saidapet, Chennai and allow this Original Petition.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This petition has been filed to modify the condition passed in Cr.M.P.No.4654 of 2015 in CCB X Cr.No.277/2015 dated 21.12.2015 by the Learned XI Metropolitan Magistrate, Saidapet, Chennai and allow this Original Petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by the Tamil Nadu Mercantile Bank, the respondent police have registered a case in Crime No.277 of 2015 for offences under Sections 420, 465, 467, 471 r/w 34 IPC against Isaac Ponsingh (A1) and his wife Hilda (A2). It is the case of the Bank that the petitioner have availed credit facilities from the Bank and as security, Hilda (A2) had given certain property documents and a patta, which was found to be a forged document. During the course of

investigation, police arrested both Isaac Ponsingh (A1) and Hilda (A2) and they have seized a vehicle bearing Registration No.TN09 BS 0500 being XUV 500 Car and produced the same before the XI Metropolitan Magistrate, Saidapet, Chennai.

4. Hilda filed CrI.M.P.No.4654 of 2015 in CCB X Crime No.277 of 2015 under Section 451 Cr.P.C for interim custody of the vehicle and the learned Metropolitan Magistrate by order dated 21.12.2015 has granted interim custody on certain conditions, of which condition No.1 is relevant, which reads as follows:

"1. The Petitioner shall execute a bond for a sum of Rs.10,00,000/- with one surety to the likesum."

5. Aggrieved with the aforesaid condition, Hilda is before this Court for modification on the ground that the value of the vehicle itself is Rs.13 Lakhs and that it was purchased in 2012 under hire purchase with Tata Finance.

6. It is the case of the prosecution that Hilda had purchased the property with the tainted money.

7. Be that as it may, the fact remains that even though an order was passed as early as 21.12.2015, the petitioner was not able to comply with the order on account of the aforesaid condition. Under such circumstances, I am of the view, that it will be in the interest of the justice, if the bond amount is reduced from Rs.10 lakhs to Rs.2.5 lakhs.

8. Accordingly, condition no.1 imposed in the order dated 21.12.2015 in Cr.M.P.No.4654 of 2015 stands modified to the effect that the petitioner shall execute a bond for a sum of Rs.2,50,000/- with one surety to the likesum. The other conditions imposed in the said order holds good.

With the above modification, this petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mk/gms
To

1.The Inspector of Police,
Central Crime Branch,
Chennai

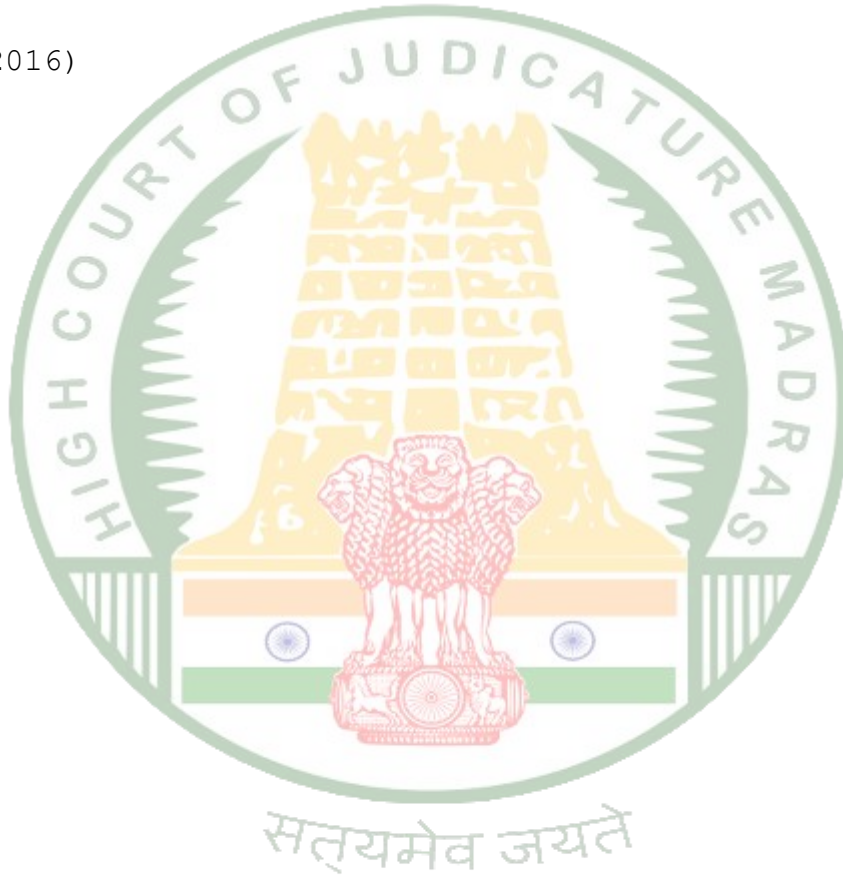
2.The XI Metropolitan Magistrate,
Saidapet, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Franklin, Advocate, S.R.No.48767

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ALA (CO)
CA(14/09/2016)



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