

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.25054 of 2016

S.Rajendran

...Petitioner

Vs.

The State represented by
The Inspector of Police
S-1, St.Thomas Mount Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to modify the order passed in Crl.M.P.No.5928 of 2016 by Hon'ble Judicial Magistrate, Alandur dated 07.11.2016.

For Petitioner : Mr.R.Muniyapparaj

For Respondent : Mr.C. Emalias
Addl. Public Prosecutor

O R D E R

This criminal original petition has been filed to modify the order dated 07.11.2016 passed in Crl.M.P.No.5928 of 2016 by the Judicial Magistrate, Alandur.

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

3. It is seen that this petitioner was granted bail by the Judicial Magistrate, Alandur in Crl.MP.No.5928 of 2016 on 07.11.2016 on certain conditions, one of which, is that the petitioner should deposit Rs.2 lakhs as cash security, challenging which, the petitioner is before this Court.

4. Learned counsel appearing for the petitioner submitted that the petitioner does not have means to make the payment and that apart, he submitted that there is only an attempt by the accused to commit the offence. He has also submitted that the petitioner has been granted statutory bail under Section 167(ii) Cr.P.C.

5. Be that as it may, taking into account the nature of this case, where there was an attempt to encash the duplicate cheque for Rs.2 crores, the order passed by the Judicial Magistrate cannot be said to be totally illegal.

6. However, taking into consideration the facts and circumstance, in the interest of justice, the amount of Rs.2 lakhs is reduced to Rs.1 lakh which shall be deposited before the Judicial Magistrate, Alandur in the form of Demand Draft drawn in favour of the Judicial Magistrate, Alandur and on such deposit, the Judicial Magistrate, Alandur is directed to re-deposit the said sum in a Fixed Deposit in any nationalised bank, thereby the account will accrue interest and it is open to the trial Court to pass appropriate orders with regard to the disbursing of the amount at the end of the trial. Rest of the conditions imposed by the Judicial Magistrate, Alandur shall remain the same.

With the above modification, this petition is ordered.

-s/d-
Assistant Registrar (CSII)

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate, Alandur.
2. The Inspector of Police
S-1, St.Thomas Mount Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+2 ccs to M/s.M.Rajendren Advocate sr 65433

Cr1.O.P.No.25054 of 2016

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