

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2016
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Crl.OP.No.25446 of 2016

R.Asaithambi

... Petitioner

Vs

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

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to modify the condition imposed on the petitioner as that he has to deposit a sum of Rs.2,00,000/- as cash security in Crl.M.P.No.5928 of 2016 dated 07.11.2016 on the file of the Hon'ble Judicial Magistrate, Alandur, Chennai.

For Petitioner : Mr.G.Mohanakrishnan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the condition imposed on the petitioner that he has to deposit a sum of Rs.2,00,000/- as cash security in Crl.M.P.No.5928 of 2016 dated 07.11.2016 on the file of the Judicial Magistrate, Alandur, Chennai.

2. It is seen that this petitioner was arrested in Cr.No.1283 of 2016, when he along with others had conspired to encash the cheque illegally. The Trial Court had released the petitioner on bail in Crl.M.P.No.5928 of 2016 on 07.11.2016, on condition that he should deposit a sum of Rs.2,00,000/- as cash security, aggrieved by which, the petitioner is before this Court.

3. Mr.G.Mohanakrishnan, learned counsel for the petitioner submitted that the petitioner is an indigent person and he is not able to make the deposit amount.

4. Per contra, the learned Additional Public Prosecutor submitted that the petitioner has attempted to encash a cheque for Rs.2,00,00,000/-.

5. Taking into consideration the facts and circumstances of the case, this Court is of the view that, it will be in the interest of justice, if the deposit amount is reduced to Rs.1,00,000/-. Accordingly, the deposit amount is reduced to Rs.1,00,000/- from Rs.2,00,000/-. 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 Court, Alandur, shall remain same.

5. The Criminal Original Petition is ordered accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Alandur.
2. The Sub Inspector of Police
S-1, St.Thomas Mount Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.G.Mohana Krishnan Advocate sr 67593

Cr1.OP.No.25446 of 2016

ala(co)
aa24/11/2016

WEB COPY