

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.3578 of 2017

R.Venkatraman

... Petitioner

Vs

State, rep. By
The Inspector of Police,
Central Crime Branch (CCB-1),
Vepery, Chennai.
(Cr.No.171/2016)

... Respondent

Criminal Original Petition filed under Section 439(1) (b) Cr.P.C. to modify the condition imposed against the petitioner in the order dated 08.02.2017 made in Crl.M.P.No.342 of 2017 in Crl.M.P.No.3714 of 2016 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.P.M.Duraiswamy

For respondent : Mr.C.Emalias,
Addl. Public Prosecutor

For Intervener : Mr.Muthukrishnan

ORDER

The present criminal original petition has been filed to modify the condition imposed on the petitioner by order dated 08.02.2017 in Crl.M.P.No.342 of 2017 in Crl.M.P.No.3714 of 2016 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the petitioner is that he was arrested and remanded to judicial custody on 15.10.2016 in connection with CCB.Cr.No.171 of 2016 for the alleged offence punishable under Sections 406 & 420 I.P.C. He filed a petition in Crl.M.P.No.3714 of 2016 before the learned XI Metropolitan Magistrate, Saidapet. By order dated 19.12.2016, the petitioner was granted bail subject to certain conditions, one of which is to deposit a sum of Rs.25,00,000/- by the petitioner. Aggrieved over the said condition, he filed C.M.P.No.342 of 2017, which was allowed by order dated 08.02.2017 by modifying the said condition that the petitioner shall deposit a sum of Rs.5,00,000/- and also deposit title deeds worth about Rs.20,00,000/- as security. Therefore, the petitioner is before

this Court seeking further modification of the said condition.

3. Learned counsel for the petitioner submitted that the petitioner is not in a position to mobilise the funds and comply with the conditions imposed by the learned Magistrate. Learned counsel for the petitioner further submitted that the petitioner is inclined to settle the issue. Learned counsel for the petitioner also submitted that the petitioner's sister is willing to furnish the original title deeds of the property, which stands in her name. In order to prove his bona fide, the petitioner is also inclined to surrender his passport.

4. Heard all the parties and perused the materials.

5. Though the learned counsel for the de facto complainant vehemently opposed the relief sought for by the petitioner, considering the facts and circumstances of the case and taking not of the undertaking given by the learned counsel for the petitioner, this Court is inclined to modify the conditions.

6. Accordingly, the order dated 08.02.2017 passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai in CrI.M.P.No.342 of 2017 is modified as follows:-

(i) The petitioner shall produce the original title deeds of the property and also file an affidavit sworn by the sister of the petitioner to the effect that she shall willingly furnish the original title deeds of the property;

(ii) The petitioner is also directed to surrender his passport, which shall be kept in XI Metropolitan Magistrate's Court, Saidapet, Chennai.

(iii) on such production and execution, the learned Magistrate concerned shall dispense with the payment of Rs.5,00,000/-.

The other conditions remain unaltered.

7. This Criminal Original Petition is ordered accordingly.

-s/d-
Assistant Registrar (CCC)

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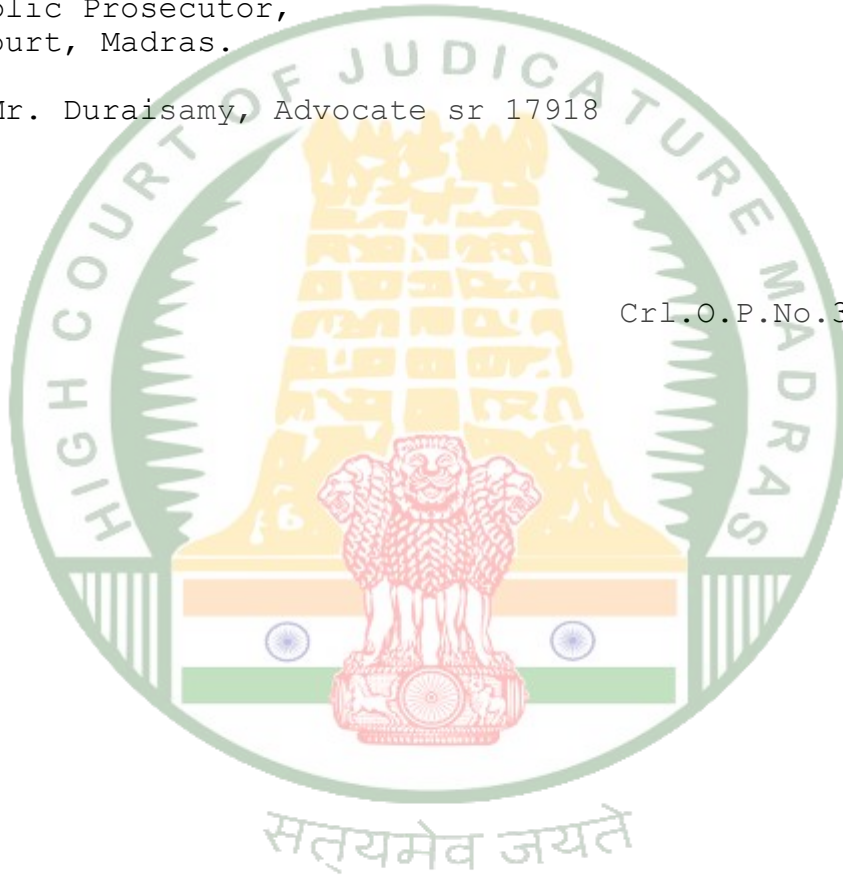
Sub-Assistant Registrar

To

1. The XI Metropolitan Magistrate Court,
Saidapet, Chennai.
 2. -Do- Thro The Chief Metropolitan magistrate
Egmore, Chennai
 3. The Inspector of Police,
Central Crime Branch (CCB-1),
Vepery, Chennai.
 4. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr. Duraisamy, Advocate sr 17918

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