

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.6855 of 2017

Dr.M.C.Selva Kumar

... Petitioner

Vs

The State rep. by
The Inspector of Police,
Central Crime Branch
Vepery, Chennai.

.... Respondent

Criminal Original Petition filed under Section 439(i) (b) Cr.P.C. to modify the first condition of the bail order dated 27.02.2017 made in CrI.MP.No.449 of 2017 by the learned XI Metropolitan Magistrate, Saidapet, Chennai viz. the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.8 of 2016 before this Court and to set aside the same in Cr.No.8 of 2016 on the file of the Inspector of Police, Central Crime Branch, Vepery, Chennai.

For Petitioner : Mr.P.K.Mohan Vel

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

ORDER

The present Criminal Original Petition has been filed to modify the first condition of the bail order dated 27.02.2017 passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai in CrI.MP.No.449 of 2017 viz., the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.8 of 2016 before this Court and to set aside the same.

2. The case of the petitioner is that he was arrayed as accused in Cr.No.8 of 2016 on the file of the respondent police for the alleged offences punishable under Sections 406, 420, 506(i) r/w Section 34 IPC. Pursuant to the same, he was arrested and remanded to judicial custody on 26.03.2016. Subsequently, he moved Cr.M.P.No.449/2017 seeking statutory bail. By order dated 27.02.2017, he was granted bail subject to certain conditions, one of which is that he shall deposit a sum of Rs.2,00,000/- to the credit of Crime No.8 of 2016 before this Court. Aggrieved over the same, the present petition came to be filed before this Court.

3. Learned counsel for the petitioner submitted that due to non-availability of funds, he is unable to deposit a huge sum of Rs.2,00,000/-, as a result, he could not come out on bail. Therefore, the learned counsel prayed for modification of the said condition imposed on the petitioner.

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

5. Considering the facts and circumstances of the case and also taking note of the inability of the petitioner, this Court is inclined to modify the first condition of the order dated 27.02.2017 passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai in CrI.MP.No.449 of 2017 imposed on the petitioner, as follows:

"The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.8 of 2016 before the XI Metropolitan Magistrate, Saidapet, Chennai-15, within a period of two weeks from the date of receipt of a copy of this order."

Except the above, other conditions remain unaltered.

6. The criminal original petition is ordered accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The XI Metropolitan Magistrate, Saidapet, Chennai.

2.The Inspector of Police, Central Crime Branch Vepery, Chennai.

3.The Public Prosecutor, High Court, Madras.

+1 CC to Mr.P.K.Mohan Vel, Advocate Sr.No.21411

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PA(CO)

KP(19/04/2017)