

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2017

Coram

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.6879 of 2017

Kuthbudeen

... Petitioner/Accused

Vs.

State rep. by
Inspector of Police,
CCB, Team XVII
Land Grabbing, Periamet
Chennai.

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 439(i) (a) Cr.P.C to modify the order dated 24.03.2017 made in Crl.MP No.5105 of 2017 on the file of the Principal Sessions Judge, Chennai that the petitioner is directed to deposit a cash security of Rs.50,000/- before the trial court of CCD in favour of CCB in Cr.No.216 of 2016.

For Petitioner : Mr.N.Anand Venkatesh

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

ORDER

The present Criminal Original Petition has been filed seeking further modification of the condition imposed on the petitioner by order dated 24.03.2017 passed by the learned the Principal City Civil Judge, Chennai in Crl.MP No.5105 of 2017.

2.It is the case of the petitioner that he was arrested and remanded to judicial custody on 24.02.2017 in connection with Cr.No.216 of 2016 on the file of the respondent police. He moved a petition in Crl.MP No.39 of 2017 before the learned Metropolitan Magistrate, Special Court for Exclusive Trial of Land Grabbing Offences No.II, Periyamet, Chennai-3, seeking bail. By order dated 16.03.2017, the said petition was ordered on condition to deposit a cash security of Rs.1,50,000/- before the trial court, against which, he moved another petition in Crl.MP.No.5105 of 2017 seeking modification of the said

condition. By order dated 24.03.2017, the learned Principal City Civil Judge, Chennai has modified the said order, with regard to deposit of cash security from Rs.1,50,000/- to Rs.50,000/-. Since the petitioner is unable to deposit the said sum, he approached this Court with the present petition for further modification of the said condition.

3.Learned counsel for the petitioner submitted that the petitioner is only an attestor and he has not committed any offence as alleged by the prosecution. Learned counsel further submitted that the petitioner is a senior citizen and is also suffering from cardiac disease and due to his financial difficulties, he could not comply with the bail condition, with regard to deposit of cash security of even Rs.50,000/-. Therefore, learned counsel seeks for modification of the said condition.

4.Heard the learned Additional Public Prosecutor appearing for the respondent, who has no serious objection in modifying the said condition.

5.Considering the facts and circumstances of the case and also taking note of the financial difficulties of the petitioner, this Court is inclined to modify the condition with regard to deposit of cash security.

6.Accordingly, this Criminal Original Petition is disposed of by modifying the condition imposed on the petitioner, with regard to deposit of cash security of Rs.50,000/- before the trial court, by order dated 24.03.2017 passed by the learned Principal City Civil Judge, Chennai in Crl.MP.No.5105/2017, as follows:

The petitioner is directed to execute a personal bond for a sum of Rs.50,000/- with two sureties each for a like sum to the satisfaction of the trial court i.e., Metropolitan Magistrate, Special Court for Exclusive Trial of Land Grabbing Offences No.II, Periamet, Chennai-3.

Except the above, the other conditions remain unaltered.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Metropolitan Magistrate,
Special Court for Exclusive
Trial of Land Grabbing Offences No.II,
Periamet, Chennai-3.

2.The Principal Sessions Judge,
Chennai.

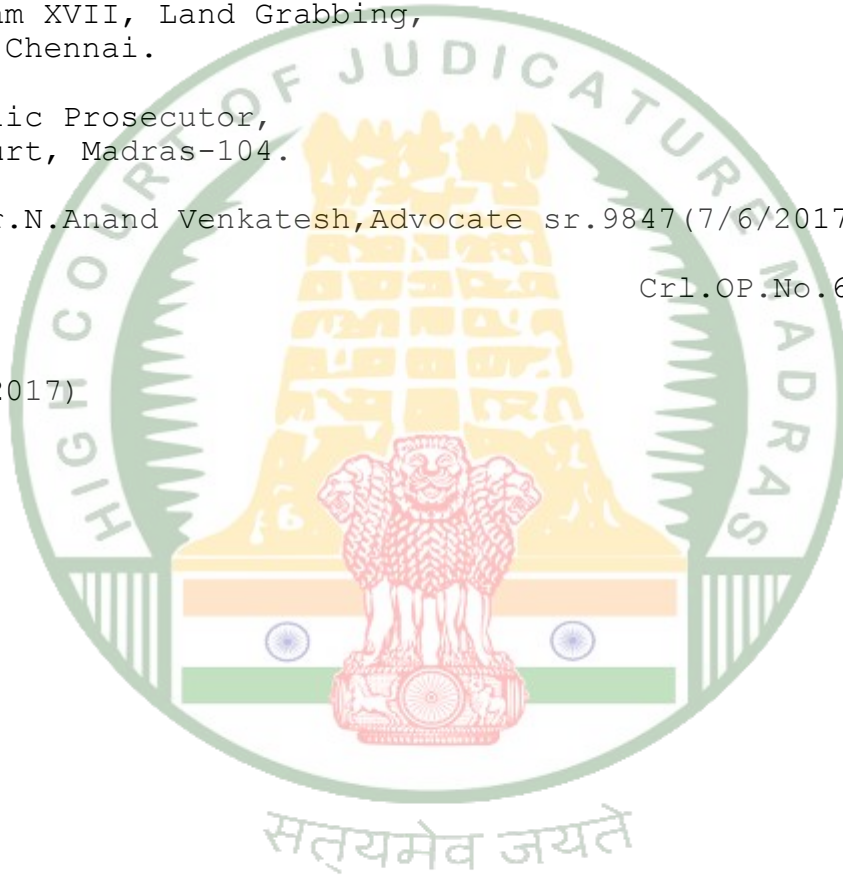
3.The Inspector of Police,
CCB, Team XVII, Land Grabbing,
Egmore, Chennai.

4.The Public Prosecutor,
High Court, Madras-104.

+1CC TO Mr.N.Anand Venkatesh,Advocate sr.9847(7/6/2017)

CrI.OP.No.6879 of 2017

SCD(CO)
CA(05/06/2017)



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