

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDRA

Crl.O.P.No.8315 of 2018

Aasha Soundariya

... Petitioner/Accused

/Vs/

The State Rep.by,
The Inspector of Police,
R-8 Vadapalani Police Station
Chennai
(Crime No.1597/2017)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under section 439(1) (b) seeking to modify the condition imposed by the learned XVII M.M.Saidapet, Chennai in M.P.No.2970 of 2017 dated 20.07.2017.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

* * * * *

O R D E R

The petitioner seeks modification of the order passed in M.P.No.2970 of 2017 dated 20.07.2017 passed by the XVII Metropolitan Magistrate at Saidapet, Chennai.

2. The petitioner was arrested and remanded to judicial custody on 20.06.2017 for offence under sections 341, 392, 336, 427, 506(ii) of I.P.C on the file of the respondent police.

3. Heard both sides.

4. The learned counsel for the petitioner would submit that he moved a bail petition before the XVII Metropolitan Magistrate at Saidapet, Chennai in M.P.No.2970 of 2017 and bail was granted on 20.07.2017. One of the conditions imposed by the learned Metropolitan Magistrate is, that the petitioner/accused shall deposit a sum of Rs.25,000/- as deposit amount (two document surety one is preferably blood relative surety).

5. The learned counsel for the petitioner would submit that the condition imposed by the learned Metropolitan Magistrate is onerous and erroneous and that the petitioner being a lady is unable to mobilise the amount of Rs.25,000/- and thereby she is suffering incarceration inspite of the fact that bail was granted by the learned XVII Metropolitan Magistrate at Saidapet, Chennai, as early as on 20.07.2017. However, with regard to other conditions she is prepared to comply with the same and prays that the condition directing the deposit of Rs.25,000/- may be modified.

6. Taking into consideration the facts of the case and also the submissions made by the learned counsels and taking note of the fact that the petitioner has been in custody since 20.06.2017, the condition directing the petitioner to deposit an amount of Rs.25,000/- alone is hereby set aside. All other conditions stand unaltered. This petition is ordered accordingly.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kv

To

1. The XVII M.M.Saidapet, Chennai.

2. The Inspector of Police,
R-8 Vadapalani Police Station
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Nirmal Krishnan, Advocate, S.R.No.24432

Crl.O.P.No.8315 of 2018

RRK(10/04/2018)