

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P.No.10713 of 2018

Venkatesh

... Petitioner

vs.

State represented by
Inspector of Police,
C.C.B V Branch,
Chennai
Cr.No.78 of 2017

...Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to modify the condition in Crl.MP.No.1324 of 2018 on the file of the Judicial Magistrate, Alandur in Crime No.78 of 2017 and allow this petition.

For petitioner : Mr.G.Vinodh Kumar

For respondent : Mr.C.Raghavan,
Government Advocate(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to modify the condition in Crl.MP.No.1324 of 2018 on the file of the Judicial Magistrate, Alandur in Crime No.78 of 2017.

2. The petitioner was arrested by the Police in Crime No.78 of 2017 and he was released on bail on 19.03.2018 by the Judicial Magistrate, Alandur in Crl.MP.No.1324 of 2018, on certain conditions, one of which is that the petitioner should deposit a sum of Rs.2,00,000/- as cash security. Challenging the said condition, the petitioner filed Crl.MP.No.1199 of 2018, before the Sessions Court, Chengalpet and the learned Principal Sessions Judge, by order dated 26.03.2018, has dismissed the petition, aggrieved by which, the petitioner is before this Court.

3. The learned counsel for the petitioner submitted that the petitioner does not have money to deposit Rs.2,00,000/- and therefore, he has not been able to enjoy the bail order since 19.03.2018.

4. Per contra, the learned Government Advocate (Crl.side) refuted the contentions.

5. On facts, the allegation against the petitioner is that he had forged a life certificate and given forged Demand Draft for Rs.85,00,000/- and thereby cheated the defacto complainant. It is also seen that the petitioner gone to France few months before his arrest and therefore, it cannot be stated that the petitioner is in penury. Therefore, this Court does not find any serious infirmity in the order passed by the Court below warranting interference. However, taking into consideration the fact, that the petitioner has not been able to enjoy the bail order, this Court is of the view that the interest of justice would be served, if the amount of Rs.2,00,000/- is reduced to Rs.1,00,000/- (Rupees One Lakh only). On such deposit, the trial Court is directed to re-deposit the amount of Rs.1,00,000/- in any nationalised bank so that the amount can fetch interest and the disbursal of the amount can be decided at the culmination of the trial.

6. With the above direction, this petition is modified.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate, Alandur

2.Do- Through The Chief Judicial Magistrate, Kanchipuram.

3.The Prinicipal Sessions Judge, Kanchipuram, @ Chengalpet.

4.The Inspector of Police, C.C.B V Branch, Chennai.

5. The Public Prosecutor, High Court, Madras.

+1cc to Mr.G.Vinodh Kumar, Advocate, S.R.No.24997

Crl.O.P.No.10713 of 2018

NRL(CO)
RRK(06/04/2018)



सत्यमेव जयते

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