

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.14725 of 2018

Krishnabai @ Krishnamurthy

.. Petitioner/Accused

Vs

State rep. by

The Inspector of Police,
Team-IV, Central Crime Branch,
Vepery, Chennai-7.
Crime No.8 of 2018

.. Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to modify the condition in Crl.M.P.No.2357 of 2018 on the file of the learned Special Metropolitan Magistrate, CCB Court, Allikulam dated 18.05.2018 [ii] The petitioner shall furnish a title deed worth of Rs.35 Lakhs which stands in the name of the petitioner or his wife or his blood relatives to the satisfaction of this Court, to that of title deed worth of Rs.6 Lakhs which stands the name of the petitioner.

For Petitioner : Mr.V.Devendhiran

For Respondent : Mr.C.Raghavan, Govt. Advocate

O R D E R

This Criminal Original Petition has been filed to modify the conditional order dated 18.05.2018 passed in Crl.M.P.No.2357 of 2018 by the learned Special Metropolitan Magistrate, CCB Court, Allikulam, Chennai.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3.The petitioner was arrested in CCB crime No.8 of 2018 and remanded to custody on 01.05.2018 for offences under Sections 406, 420 and 506[i] of IPC. The petitioner was granted bail by the CCB and CBCID Metropolitan Magistrate, Egmore, Chennai-8 in Crl.M.P.No.2357 of 2018 in CCB crime No.8 of 2018 on certain conditions, one of which is as follows:

"[ii] The petitioner shall furnish a title deed worth of Rs.35 Lakhs which stands in the name of the petitioner or his wife or his blood relatives to the satisfactin of this court."

Aggrieved of this condition, the petitioner is before this Court.

4.Learned counsel for the petitioner submitted that though bail was granted to this petitioner as early as on 18.05.2018, he was not able to enjoy the benefits of bail, in view of aforesaid condition, which according to the counsel for the petitioner is onerous.

5.Per contra, learned Government Advocate produced the Case Diary file, which prima facie shows that the accused in this case put up shops in various places for short periods and purchased goods from the de facto complainant and cheated him to the tune of several lakhs of rupees. He submitted that the petitioner does not even have a permanent address.

6.This Court gave its anxious consideration to the rival submissions. Taking into consideration the fact that the petitioner has been in incarceration from 01.05.2018, this Court is of the view that interest of justice will be served, if condition No.ii extracted above is modified to the effect that the petitioner shall deposit a sum of Rs.5,00,000/- [Rupees Five Lakhs only] to the credit of CCB crime No.8 of 2018 before the CCB and CBCID Metropolitan Magistrate Court, Egmore and on such deposit, the Magistrate shall redeposit the amount in any nationalised bank in a fixed deposit and the said amount can be disbursed, at the time of conclusion of the prosecution in CCB crime No.8 of 2018. The petitioner shall execute a personal bond for Rs.25,000/- [Rupees Twenty Five Thousand only] with two sureties of whom, one should be a blood relative.

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police for interrogation daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A of IPC.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

gya

To

1.The CCB and CBCID
Special Metropolitan Magistrate Court,
Egmore, Chennai-8.

2.The Inspector of Police,
Team-IV, Central Crime Branch,
Vepery, Chennai-7.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.DEVENDHIRAN, Advocate, S.R.No.35729

CRL.OP.No.14725 of 2018

RJ (CO)

TR(08/06/2018)

सत्यमेव जयते

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