

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM:

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

Crl.O.P. No.18564 of 2018

Srinivasan

Petitioner/Petitioner

vs.

State rep. by
The Inspector of Police
P2 - Otteri Police Station
Otteri, Chennai.

Respondent/Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to modify the condition "f" imposed on the petitioner herein by the learned V Metropolitan Magistrate, Egmore, in Crl.MP.No.3067 of 2018 vide order dated 09.07.2018.

For Petitioner : Mr.R.Dhanasekar

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 "f" imposed on the petitioner by the V Metropolitan Magistrate, Egmore, in Crl.MP.No.3067 of 2018 vide order dated 09.07.2018.

2. On the complaint lodged by the Assistant Executive Engineer, TANGEDCO, Chennai, that a sum of Rs.16,39,278/- has been misappropriated by the petitioner and one Venkatesan, the respondent police have registered a case in Crime No.387 of 2018 for the offences under Sections 403, 409, 420 and 465 IPC. The petitioner was arrested and remanded to judicial custody on 23.06.2018. The petitioner filed Crl.MP.No.3067 of 2018 in Crime NO.387 of 2018 seeking bail, in which, the V Metropolitan Magistrate, by order dated 9.07.2018, has granted bail to the petitioner on certain conditions, one of which, is that the petitioner shall deposit Rs.2,15,805/- in the credit of Crime No.387 of 2018 of P-2 police station and the final order in respect of the amount will be passed at the time of conclusion of trial. To modify the above said condition, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

4. The learned counsel for the petitioner submitted that the petitioner has already deposited Rs.2,30,000/- on 06.07.2018 with the Assistant Engineer, Otteri and in support of his contention, he produced a receipt.

5. In view of the above, the condition No. "f" imposed on 09.07.2018, by the V Metropolitan Magistrate in Crl.MP.No.3067 of 2018 is hereby set aside. The petitioner is directed to file a modification petition, by enclosing the said receipt before the V Metropolitan Magistrate, Egmore, Chennai. On such petition being filed, the V Metropolitan Magistrate shall conduct enquiry about the genuineness of assertion made by the petitioner and during enquiry, if it is found that the petitioner has deposited a sum of Rs.2,30,000/-, the petitioner may be released on bail, without any condition for depositing money. Rest of the conditions imposed by the V Metropolitan Magistrate, Egmore, Chennai, shall remain the same.

With the above modification, this petition is ordered.

Sd/-
Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
P2 - Otteri Police Station
Otteri, Chennai.

2. The V th Metropolitan Magistrate,
Egmore.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.Dhanasekar, Advocate SR.No.49279

Crl.O.P. No.18564 of 2018

CA(CO)
GN(25/07/2018)