

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.25032 of 2018

C.M.Nagaraj

... Petitioner

Vs.

State Rep by:

The Sub-Inspector of Police,
Central Crime Branch (CCB),
Chennai-6000007.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the conditions to dispense with the condition to deposit Rs.7 Lakhs considering the poor state of family background of the petitioner and furnish two sureties for like sum of Rs.10,000/- instead of Rs.1,00,000/- to the satisfaction of Court and one among the surety shall be a blood relative of the accused as imposed by the Hon'ble Metropolitan Magistrate, CCB/CBCID Courts, Allikulam, Chennai in Crl.M.P.No.5337 of 2018 dated 11.10.2018 in Crime No.327 of 2018.

For Petitioner : Mr.Lawman Associated
V.Rajasekar

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

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O R D E R

This Criminal Original Petition has been filed to to modify the conditions to dispense with the condition to deposit Rs.7 Lakhs considering the poor state of family background of the petitioner and furnish two sureties for like sum of Rs.10,000/- instead of Rs.1,00,000/- to the satisfaction of Court and one among the surety shall be a blood relative of the

accused as imposed by the Hon'ble Metropolitan Magistrate, CCB/CBCID Courts, Allikulam, Chennai in CrI.M.P.No.5337 of 2018 dated 11.10.2018 in Crime No.327 of 2018.

2.The case of the prosecution is that the petitioner/A7 is working as a Cashier in the Proprietary Firm owned by the defacto complainant Prasanna by the name and style as 'R & D Logistics' at Triplicane. The petitioner along with other accused had misappropriated a sum of Rs.64,18,805/- by producing false documents, for which, the defacto-complainant lodged a complaint before the respondent police.

3.Since the petitioner is in Judicial custody for the period of 74 days, the petitioner was enlarged on statutory bail under Section 167(2) of Cr.P.C., by the Metropolitan Magistrate, CCB/CBCID Courts, Allikulam, Chennai. On 11.10.2018, the lower Court, while enlarging statutory bail against the petitioner, had imposed the following conditions:

"(i) the 1st accused shall deposit a sum of Rs.10 lakhs, the 2nd accused shall deposit a sum of Rs.5 lakhs and the 7th accused shall deposit a sum of Rs.7 lakhs, to the credit of Cr.No.327 of 2018.

(ii) after compliance of the 1st condition cited above, the petitioners shall each furnish two sureties for like sum of Rs.1 lakh to the satisfaction of this Court and one among the surety shall be a blood relative of the accused.

(iii) The accused's shall appear the sign before the respondent police daily at 10.30 a.m. and 6.00 p.m. until further orders."

4.The learned counsel appearing for the petitioner would submit that since the petitioner has entitled for statutory bail, for which the lower Court imposed onerous condition to deposit a sum of Rs.10 lakhs to the credit of Crime No.327 of 2018, which is unsustainable one and he has also relied upon the Decision of the Hon'ble Supreme Court in Sumit Mehta vs. State (NCT of Delhi) reported in 2013) 15 SCC 570, wherein it is held that onerous condition should not be imposed on the accused.

5.In view of the above, this Court modifies the aforesaid condition to the effect that petitioner/A7 is directed to deposit a sum of Rs.3.5 lakhs [instead of Rs.7 lakhs imposed by the lower Court] and further, the petitioners shall furnish two sureties for like sum of Rs.10,000/- [instead of Rs.1 lakh imposed by the lower Court] to the satisfaction of the Court and one among the surety shall be a blood relative of the accused

and the other condition to the effect that the accused shall appear before the respondent police daily at 10.30 a.m. and 6.00 p.m. Until further orders, shall remains unaltered.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

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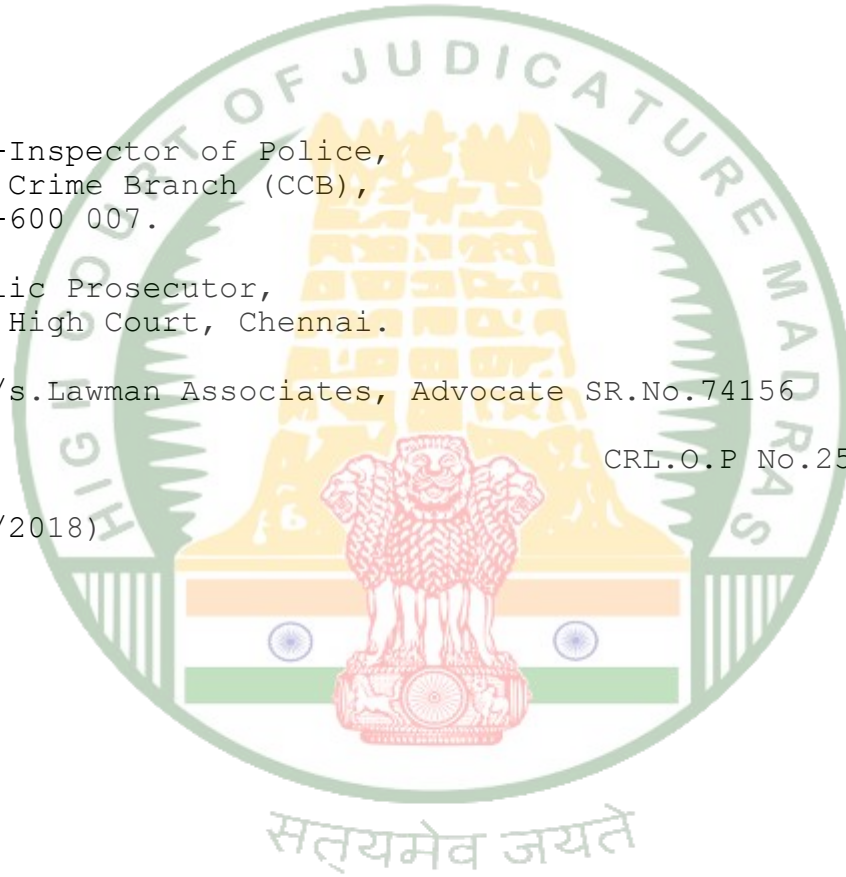
1.The Sub-Inspector of Police,
Central Crime Branch (CCB),
Chennai-600 007.

2.The Public Prosecutor,
Madras High Court, Chennai.

+2cc to M/s.Lawman Associates, Advocate SR.No.74156

CRL.O.P No.25032 of 2018

GMV (01/11/2018)



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