

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.26251 of 2018

Sai @ Jai Sairam

...Petitioner

-Vs-

State represented by

The Inspector of Police,
Ulunduepet Police Station,
Villupuram District.
(Crime No.1018 of 2018)

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to modify condition imposed on the petitioner to deposit a sum of Rs.35,000/- as cash the order dated 03.11.2018 made in Crl.M.P.No.7787 of 2018, on the file of the Principal Sessions Judge at Villupuram, enabling the petitioner to comply with the order.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor,
High Court, Chennai - 104.

ORDER

This criminal original petition has been filed seeking for modification of the cash deposit imposed by the Court below while granting bail to the petitioner in Crl.M.P.No.7787 of 2018, by order dated 03.11.2018.

2. It is seen from records for the petitioner was arrested by the Police for an offence under Section 294 (b), 447, 506(ii) IPC r/w.3 of TNPPDL Act. While considering the bail petition filed by the petitioner, the Court below has directed the petitioner to deposit a sum of Rs.35,000/- as a cash security on the ground that the defacto complainant had assessed the damages caused to him at Rs.70,000/- and therefore the Court below thought it fit to direct the petitioner to deposit 50% of the damages.

3. According to the learned counsel for the petitioner, the imposition of conditions of cash security

is opposed to the Judgment of this Court in 2017(3) CTC Page 291 Sagayam @ Devasagayam -vs- State represented by The Inspector of Police, G7, Chetpet Police Station, Chennai. Therefore the Court below ought not to have been imposed such a onerous conditions against the petitioner.

4. This Court has carefully considered the submissions made by the learned counsel for the petitioner. It is seen that the Court below has directed the petitioner to deposit a cash security of Rs.35,000/- only based on the assessment made by the defacto complainant in his complaint with regard to the total damages incurred by him. Admittedly, the investigation is still pending and the petitioner has already been arrested by the respondent Police. Therefore the Court below ought not to have been imposed such a onerous condition on the petitioner, at the time of considering the bail petition filed by the petitioner.

5. In the facts and circumstances of the case, this Court deems it fit to modify the condition of cash security imposed by the Court below. The petitioner is directed to deposit a sum of Rs.5000/- as cash security before the lower Court. The other conditions that have been imposed by the Court below while granting bail to the petitioner will stand as it is and the petitioner has to comply with those conditions.

6. The Criminal Original Petition is allowed with the above modification.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rna

To

1.The Principal Sessions Judge,
Villupuram.

2.The Inspector of Police,
Ulunduepet Police Station,
Villupuram District.

3. THE PUBLIC PROSECUTOR,
HIGH COURT
MADRAS.

+1cc to Mr.S.Nedunchezhiyan , Advocate SR.No. 77294

Crl.O.P. No.26251 of 2018

ASK(14/11/2018)