

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26519 of 2018

Mrs.Radhika,

...Petitioner

Vs.

State of Tamilnadu,
Rep by Inspector of Police,
Central Crime Branch,
Egmore, Chennai.

...Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to modify the condition of Bail, cancelling the deposit of title deed of immovable property worth Rs.5 Lakhs mentioned in the Anticipatory Bail.

For Petitioners : M/s.Chennai Law Firm

For Respondent : Mr.M.Mohamed Riyaz
: Addl. Public Prosecutor

ORDER

This Criminal original petition has been filed seeking to modify the condition imposed by the Court below by granting the Bail to the petitioner.

2. The petitioner had filed an anticipatory bail petition before the Court below in a case pending on the file of the respondent Police in Crime No.309 of 2018. This petitioner has been arrayed as A4 in this case. The Court below, while granting the anticipatory bail, has imposed the condition, directing the petitioner to deposit the title deeds of immovable property worth about Rs.5,00,000/- before the Magistrate Court.

3. The learned counsel for the petitioner would submit that it is a onerous condition and it was not warranted against this petitioner. In the facts and circumstances of this case, the learned counsel for the petitioner also brought to the

notice of this Court, the judgment of this Court in the case of SAGAYAM @ DEVASAGAYAM V. STATE REP. BY THE INSPECTOR OF POLICE, G-7, CHETPET POLICE STATION, CHENNAI, reported in 2017 (3) CTC 291 and submitted that the condition runs contrary to the judgment of this Court.

4.This Court is of the considered view that the Court below ought not have imposed a condition to this petitioner, to deposit title deeds of immovable property. Such condition is onerous and the petitioner is not in a position to comply with the same. As a result of which, the petitioner is not able to get the fruits of the order wherein he has been granted anticipatory bail. Therefore, the said condition requires interference by this Court.

5.In the result, this Criminal Original Petition is allowed and the condition imposed by the Court below directing the petitioner to deposit the title deeds is hereby set aside. The other conditions imposed by the Court below shall stand as it is.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kal/sbn

To

1. The Inspector of Police,
Central Crime Branch,
Egmore, Chennai.
2. The Public Prosecutor,
Madras High Court, Chennai.

+2cc to M/s.Chennai Law Firm, Advocate, S.R.No.77778

CS/29/11/2018

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