

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27457 of 2018

Maresh @ Maheswaran .. Petitioner/Accused No.1
Vs

The State Rep. by its
The Inspector of Police,
Mettur Police Station,
Mettur,
Salem District.
(Crime No.289 of 2007) ... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to set aside and modify the condition No.1 of the bail
order passed in Crl.M.P.No.356 of 2018 in S.C.No.46 of
2015 dated 12.11.2018 on the file of the court of the
Additional District (Fast Track) Court, Mettur, Salem
District.

For Petitioner : Mr.M.Senthilkumar

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

O R D E R

This petition has been filed challenging the order
of the Court below imposing the condition to the
petitioner to make a cash deposit of Rs.25,000/- as
security.

2. The petitioner is facing trial before the
Court below for an offence under Section 302 of IPC.
Since, the petitioner did not appear before the Court
below on several occasions, the Court below had issued non
bailable warrant against the petitioner. The petitioner
was arrested by the police and the petitioner was
remanded to judicial custody on 09.10.2018. The
petitioner had filed a bail petition before the Court
below and the Court below while considering the bail
petition, had granted bail to the petitioner on the
following conditions:

1. Accused should deposit a sum of
Rs.25,000/- in this court as cash
security;

2. Accused should execute a bond for the above said amount to forfeit the same to the State Government if he is fail to appear in future without reasonable cause;
3. Accused should appear on 14.11.2018 and subsequent hearing dates."

3. The learned counsel for the petitioner would submit that the Court below ought not to have insisted for cash security and the petitioner is a very poor person and he is not in a position to comply with the conditions.

4. This Court is not inclined to interfere with the order passed by the Court below. Admittedly, the petitioner had jumped bail and he was secured by the respondent police, after issuance of non bailable warrant. Therefore, the Court below has to necessarily impose stringent condition against the petitioner in order to ensure that the petitioner does not abscond in future. There is no illegality and infirmity in the order passed by the Court below.

5. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS v)

//True Copy//

Sub Assistant Registrar

ssr/ub

To

- 1.The Additional District (Fast Track) Court, Mettur,
Salem District.
- 2.The Inspector of Police,
Mettur Police Station,
Mettur,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.27457 of 2018

ASK(29/11/2018)