

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.11.2018
CORAM:
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No.27096 of 2018

Jerome Santhosh

...Petitioner

Vs.

The State rep. By
the Inspector of Police,
D2, Anna Salai Police Station,
Chennai
(Crime No.297 / 2018)

... Respondent

Criminal Original Petition filed under Section 439(i)(b) Cr.P.C. praying to modify the condition passed by the learned XIVth Metropolitan Magistrate, Egmore (Allukulam), Chennai dated 14.11.2018 in Crl.M.P.No.6148 of 2018 Crime No.297 of 2018 on the file of the respondent police.

For Petitioner : Mr.B.Francis Xavier

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

: Mr.R.Paramasivam for Intervenor

O R D E R

This petition has been filed for modification of the condition passed by the learned XIVth Metropolitan Magistrate, Egmore (Allukulam), Chennai dated 14.11.2018 in Crl.M.P.No.6148 of 2018 in Crime No.297 of 2018 on the file of the respondent police.

2. The case of the prosecution is that the defacto complainants while searching for job in abroad, they came to know one, Mr.Parasuraman, who happened to be a manpower consultant for placement of persons in abroad. When the defacto complainants went to meet the said Parasuraman, the petitioner accompanied him as requested by the defacto complainants. In the presence of the petitioner, the defacto complainants handed over the money of Rs.3,00,000/- to the said Parasuraman. Thereafter, the defacto complainants were neither given job nor repaid the money. Hence, the complaint. Pursuant to that the petitioner was arrested and remanded to judicial custody. When bail application was moved before Metropolitan Magistrate No.XIII, Egmore(Allukulam), Chennai, the petitioner was granted bail on certain conditions, one of which was "the petitioner

shall deposit a sum of Rs.1,50,000/- and to execute own bond of Rs.50,000/- and also two sureties to execute on same amount". The said condition was not complied with by the petitioner. Hence, the present petition to modify the same has been filed before this Court.

3. The learned counsel for the petitioner would submit that the petitioner being a patient affected with heart and brain decease, the petitioner is now under medical observation. Further, he is the sole bread winner of his family and he has to look after his old age parents and sister and as such he could not deposit such huge amount of money. Hence, he prays for modification of the conditions imposed by XIV Metropolitan Magistrate, Egmore(Allukulam), Chennai in Crl.M.P.No.6148 of 2018 in Cr.O.P.No.297 of 2018

4. The learned Additional Public Prosecutor would submit that a huge amount of money has been involved in this regard. Considering the same, the learned XIV Metropolitan Magistrate, Egmore(Allukulam), Chennai granted bail on condition to deposit a sum of money of Rs.1,50,000/-. Now without complying with the same, the petitioner has come forward with this petition to modify the said condition. Hence, she vehemently opposed to order this petition.

5. It is seen from the records that admittedly an amount of Rs.3,00,000/- was handed over to the said Parasuraman in the presence of the petitioner. The defacto complainants have been neither given job in abroad nor repaid money. Considering the same, the lower court has imposed the condition to deposit the said amount while enlarging on bail as "the petitioner shall deposit with Rs.1,50,000/- and to execute own bond of Rs.50,000/- and also two sureties to execute on same amount". But after being enlarged on bail, without depositing the said amount, the petitioner has come forward with this petition to modify the said condition.

6. Considering the above facts and circumstances, this Court is not inclined to entertain the petition to modify the condition imposed by the the learned XIV Metropolitan Magistrate, Egmore(Allukulam), Chennai while enlarging the petitioner on bail. Accordingly, this Criminal Original petition stands dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The XIVth Metropolitan Magistrate,
Egmore.

2.The Inspector of Police,
D2, Anna Salai Police Station,
Chennai
(Crime No.297 / 2018)

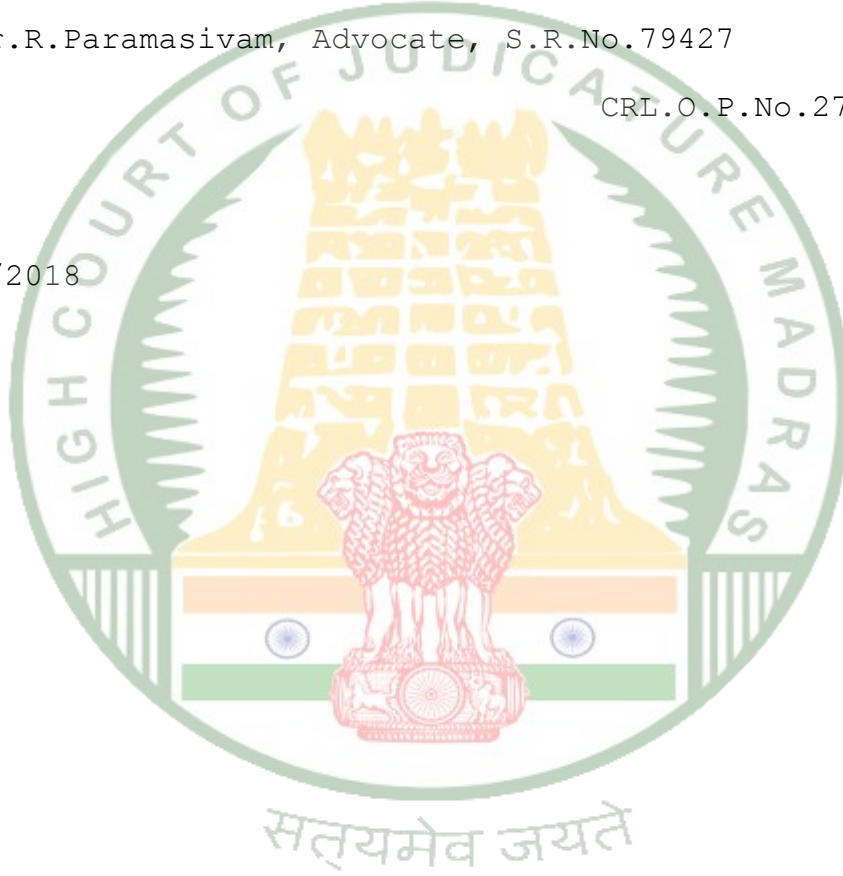
3.The Additional Public Prosecutor,
High Court of Madras, Chennai.

+lcc to Mr.R.Paramasivam, Advocate, S.R.No.79427

CRL.O.P.No.27096 of 2018

KS(CO)

rrs 26/12/2018



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