

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27509 of 2018

R.Palani

...Petitioner

Versus

The Superintendent of Police,
Economic Offence Wing-II,
Guindy,
Chennai - 32.
(Crime No.3 of 2018).

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Chief Metropolitan Magistrate, Allikulam, Chennai, not to insist any documents of immovable property while executing the sureties in Cr1.M.P.No.3237 of 2018 in Crime No.3 of 2018 on the file of the respondent.

For Petitioner : Mr.R.Sreedhar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the Court below not to insist for any immovable property documents, while executing the sureties.

2. The respondent police has registered an FIR in Crime No.3 of 2018 for an alleged offence under Sections 409, 420 r/w 34 of IPC and Section 4(1) r/w 76 of Chit Fund Act, 1982.

3. The petitioner was arrested and was remanded to judicial custody on 17.04.2018. Thereafter, the petitioner had filed the petition for bail and the Chief Metropolitan Magistrate, Allikulam, Chennai, by an order dated 18.07.2018 granted bail to the petitioner, on the ground that he had already undergone judicial custody for 93 days and no final report has been filed by the respondent police. While granting the said order, the concerned Court had imposed a condition that

the petitioner has to execute a bond for the sum of Rs.10,000/- with two sureties for a like sum.

4. The grievance of the petitioner is that while executing the bond with two sureties, the learned Magistrate is insisting for the production of the immovable property documents. The petitioner has stated that all the documents pertaining to the immovable property has already been seized by the respondent police and submitted before the Chief Metropolitan Magistrate, Allikulam, Chennai. That apart the petitioner was granted bail since the respondent police did not file any final report for more than 90 days. Therefore, inspite of bail being granted, this petitioner is not in a position to come out on bail due to non availability of the immovable property security.

5. This Criminal Original Petition is disposed of with a direction to the learned Chief Metropolitan Magistrate, Allikulam, Chennai, not to insist for any immovable property documents while executing the sureties and accept the bond executed by the petitioner and the surety bond executed by the sureties and permit the petitioner to come out on bail.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ub/ssr

1.The Chief Metropolitan Magistrate,
Allikulam, Chennai.

2.The Superintendent of Police,
Economic Offence Wing-II,
Guindy,
Chennai - 32.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sreedhar, Advocate sr.no.81888

nr 10/12/2018

Cr1.O.P.No.27509 of 2018