

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.27230 of 2018

1.Emens u Biswall
2.Sudhang Biswall

... Petitioners

Vs.

State rep. By
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
(Crime No.639 of 2018)

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on the petitioners that they should deposit a title deed worth about Rs.5 lakhs before the said Magistrate in CrI.M.P.No.18224 of 2018 on the file of the Principal Sessions Court at Chennai dated 31.10.2018.

For Petitioner : Mr.K.P.Chandrasekaran
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order of the Court below which while granting bail, had imposed a condition directing the petitioners to deposit title deeds worth about Rs.5 lakhs.

2.The learned counsel for the petitioner would submit that the respondent Police have registered an FIR against the petitioners for the offence punishable under Section 328 IPC r/w. Sec.6(a), 24(1) of COTP Act 2003. The petitioners were arrested and were in custody for more than 42 days. Thereafter, the petitioners filed a petition for bail. The Court below, while considering the bail petition on the facts and circumstances of the case, granted bail to these petitioners by imposing certain conditions. One of the conditions was that the petitioners will have to deposit title deeds worth about Rs.5 lakhs before the learned Magistrate. The petitioners are aggrieved by this condition, since the petitioners are not

capable of complying with this condition. In spite of granting an order of bail, they are not in a position to come out of the jail.

3.This Court has a time and again held that cash surety and deposit of title deeds should not be made a condition for granting of bail, unless the situation warrants.

4.The nature of the offence that has been projected against the petitioners does not warrant a condition of this nature. Therefore, this Court has to necessarily interfere with the said condition and modify the same.

5.In the result, the order of the Court below, directing the petitioners to deposit the title deeds worth about Rs.5 lakhs before the Magistrate, is hereby modified to the extent that the petitioners shall pay a sum of Rs.5,000/- each to the Adyar Cancer Institute, Chennai, and produce the receipt before the Court below. The other reasons given by the Court below shall stand as it is.

6.This Criminal Original Petition is allowed to the extent indicated above.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kal

To

1.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.

2.The Public Prosecutor,
Madras High Court,
Chennai.

3.The Superintendent,
Adyar Cancer Institute,
Chennai.

4.The Superintendent,
Central Prison Puzhel,
Chennai.

5.The Principal Sessions Judge,
Chennai.

6.The XVIV Metropolitan Magistrate,
Seidapet, Chennai

+1cc to Mr.K.P.Chandrasekaran, Advocate, S.R.No.80357

Cr1.O.P.No.27230 of 2018

GSP (29/11/2018)



WEB COPY