

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27470 of 2018

1. Theerthamalai

2. Gowri

.. Petitioners

Vs

The State rep. by
The Inspector of Police,
Neelankarai Police Station,
Chennai.
(Cr.No.1602 of 2018)

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order of the learned Principal Sessions Judge of Kancheepuram District at Chengalpattu passed in Crl.M.P.No.4880 of 2018 dated 09.11.2018.

For Petitioners : Mr.S.V.Karthikeyan

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, wherein Court below dismissed the modification petition filed by the petitioners to modify the condition imposed on the petitioners by the learned Judicial Magistrate, Alandur, at the time of considering the bail petition filed by the petitioners.

2. The respondent police has registered a case in Crime No.1602 of 2018 against these petitioners for offences under Sections 406 and 420 of IPC. The petitioners were arrested and remanded to judicial custody on 16.10.2018. The petitioners had engaged a counsel for filing bail petition. However the petitioners have alleged that some other counsel had entered appearance on behalf of the petitioners and had given undertaking before the Court below that the 1st petitioner will deposit a sum of Rs.2,50,000/- as cash deposit. The Court below

while considering the bail petition had recorded this undertaking and had imposed a condition directing the 1st petitioner to deposit a sum of Rs.2,50,000/- as one on the condition for the grant of bail to the petitioners.

3. Thereafter, the petitioners filed a petition for modification of the condition before the Principal Session Court, Kancheepuram. This petition was dismissed by the Court below by an order dated 09.11.2018. Aggrieved by the same, the present petition has been filed before this Court.

4. It is seen from the records that an FIR has been registered against the petitioners for an offence under Sections 406 and 420 of IPC. The petitioners are in judicial custody from 16.10.2018 onwards. The sum and substance of the complaint given against the petitioners is that they have received a sum of Rs.2,50,000/- from the defacto complainant and have cheated. The Court below took into consideration this amount and also the consent given by the counsel for the petitioner and had imposed a condition that the 1st petitioner should make a cash deposit of Rs.2,50,000/-. The Court below had also imposed the condition wherein the petitioner were asked to execute a bond for a sum of Rs.25,000/- with two sureties for like sum.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to modify the conditions imposed by the Court below as follows:

- (a) The 1st petitioner shall deposit a sum of Rs.50,000/- as cash deposit.
- (b) The petitioners shall execute a bond for a sum of Rs.5,000/- with two sureties for a like sum and one such surety must be a close relative of the petitioners.
- (c) Other conditions imposed by the Court below shall stand as it is and the petitioners shall comply with the same.

6. In the result, this Criminal Original Petition is disposed of by modifying the conditions imposed by the Court below to the extent indicated herein above.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

ub/ssr

To

1. The Inspector of Police,
Neelankarai Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

3. The Principal Sessions Judge,
Kancheepuram, Chengalpattu

+1cc to Mr.S.V.Karthikeyan, Advocate SR.No.81023

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EV(CO)

GMV(04/12/2018)



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