

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.12.2018

CORAM:
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.29753 of 2018

Suresh Kumar

... Petitioner

-vs-

State Rep. By:
The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.
(Crime No.703/2018)

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure to modify the condition imposed in Crl.M.P.No.8385 of 2018 dated 04.12.2018 by the XVII Metropolitan Magistrate, Saidapet, Chennai-15, in so far as in respect of deposit of a sum of Rs.1,00,000/- as deposit amount pending investigation in Crime No.703/2018 on the file of the respondent.

For Petitioner : Mr.C.V.Kumar

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

ORDER

This petition has been filed seeking to modify the condition imposed by the Court below while allowing the bail petition filed by the petitioner.

2. The petitioner was arrested on 31.10.2018 by the respondent police for an offence under Sections 408, 420, 465, 468 and 471 of IPC in Crime No.703 of 2018. The petitioner had filed the bail petition before the Court below and the Court below, by an order, dated 04.12.2018, allowed the bail petition by imposing certain conditions.

3. This petition has been filed seeking for modification, aggrieved by condition No.2, imposed by the Court below. The Court below has directed the petitioner to deposit a sum of Rs.1 Lakh as cash deposit.

4. The learned counsel for the petitioner would submit that the petitioner is in jail for the past 45 days and the condition

imposed by the Court below is onerous and it is against the judgment of this Court in the case Shenbagan vs. State represented by the Inspector of Police, Team I, Central Crime Branch, Crime No.189 of 2012 reported in (2014) 2 MLJ (Crl) 203.

5. The learned counsel for the petitioner also relied upon the order passed by this Court in Criminal Original Petition No.27153 of 2018, dated 23.11.2018, wherein this Court had modified a similar condition for the very same petitioner.

6. In view of the above, this Court is inclined to modify the condition imposed by the Court below insofar as insisting the petitioner to make a cash deposit of a sum of Rs.1 Lakh. The said condition is hereby set aside. All other conditions imposed by the Court below shall stand as it is.

7. The Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssr/kal

To

1.The XVII Metropolitan Magistrate,
Saidapet, Chennai-15

2.The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.V.Kumar, Advocate, S.R.No.88090

CRL.O.P.No.29753 of 2018

SVN(CO)

rrs 20/12/2018