

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.29809 of 2018

Syed Akram

... Petitioner

-vs-

M/s.Tab India Granites Pvt Ltd,
Koneripilli, Hosur,
Represented by its
Deputy General Manager
(Finance & Accounts)
Mr.Dinesh Gupta.

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure to modify the bail condition imposed to the Petitioner on granting bail to the petitioner in Crl.M.P.No.1836 of 2018, dated 10.12.2018 on the file of the Principal Session Judge, Krishnagiri in the case pending trial in C.C.No.79/2016, CSR.No.334 of 2015 before the District Munsif-cum Judicial Magistrate No-I Hosur.

For Petitioner : Mr.K.H.M.Afzal

ORDER

This petition has been filed seeking for modification of the condition imposed by the Court below while considering the bail petition filed by the petitioner who was arrested and remanded to judicial custody on 13.11.2018.

2. The learned counsel for the petitioner would submit that this petitioner has been shown as A1 in the private complaint filed by the respondent for an offence under Section 420 of IPC. The learned counsel would submit that there was a dispute regarding business transaction between the parties, which resulted in filing of the criminal complaint. Immediately after the papers were served on the petitioner, the matter was referred to Lok Adalat by the Court below, however, there was no settlement between the parties. Since the petitioner did not attend the proceedings, the Court below proceeded to issue a Non-bailable warrant against the petitioner by an order dated 27.02.2018.

3. The learned counsel for the petitioner would further submit that the petitioner was apprehended by the police, pursuant to the Non-bailable warrant issued against him and was

produced before the Court below. The Court below remanded the petitioner to judicial custody. The petitioner thereafter filed a petition seeking for bail. The Court below, while considering the bail petition, imposed the condition that the petitioner should deposit a sum of Rs.10 Lakhs before the District Munsif-cum-Judicial Magistrate-I, Hosur. Aggrieved by this condition, the petitioner has approached this Court seeking for modification.

4. In the facts and circumstances of the case, this Court is of the considered view that the condition imposed by the Court below is onerous. The case is at very preliminary stage and the trial has not even started in this case. The petitioner was absent only for one hearing on 27.02.2018 and Non-bailable warrant was issued against the petitioner. Therefore, this Court is inclined to modify the condition imposed by the Court below insofar as the cash deposit is concerned.

5. In the result, the condition imposed by the Court below is modified to the effect that the petitioner shall deposit a sum of Rs.2,50,000/- before the District Munsif-cum-Judicial Magistrate-I, Hosur, in the concerned crime number. All other conditions imposed by the Court below shall stand as it is.

6. The Criminal Original Petition is disposed of accordingly and the Court below is directed to complete the proceedings within a period of three months from the date of receipt of a copy of this order. It is also made clear that the petitioner shall be present before the Court below during every hearing date and co-operate with the proceedings in order to ensure that the proceedings are completed within a time stipulated by this Court.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr/kal

To

1.The Principal Session Judge,
Krishnagiri

2.The Principal District Judge,
Krishnagiri.

3.The District Munsif-cum-Judicial Magistrate-I,
Hosur.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.H.M.Afzal, Advocate, S.R.No.88182

CRL.O.P.No.29809 of 2018

SVN(CO)

rrs 20/12/2018



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