IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.535 of 2019

Mohammed Sultan ... Petitioner

Vs.

State by
The Inspector of Police,
Central Crime Branch,
Chennai.
Crime No.305 of 2018 ...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition in respect of the petitioner shall deposit a sum of Rs.3,00,000/- passed in Crl.M.P.No.21334 of 2018 order dated 12.12.2018 by the Principal District Court at Chennai in Crl.M.P.No.6394 of 2018 before the V Metropolitan Magistrate.

For Petitioner : Mr.G.Rajathi

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

ORDER

This Criminal Original Petition has been filed seeking to modify the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.3,00,000/- before the Court, while granting bail to the petitioner.

2. This petitioner has been shown as A2 in the FIR registered by the respondent police in Cr.No.305 of 2018 for the offence under Sections 379, 420, 465, 468, 471 of IPC and Section 66 of Information Technology Act, 2000.

3. The petitioner was granted statutory bail by the Metropolitan Magistrate Court trying CCB and CBCID cases, Chennai by imposing the condition, the petitioner to deposit a sum of Rs.5,00,000/-. The petitioner filed a petition seeking for modification before the Sessions Court and the Sessions Court reduced the amount from Rs.5,00,000/- to Rs.3,00,000/-.

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4. The learned counsel for the petitioner submitted that the petitioner is not in a position to deposit Rs.3,00,000/- and the petitioner is inside for more than 150 days and inspite of the petitioner being entitled for a statutory bail, the petitioner is not able to come out of the jail due to onerous condition imposed by the Court below.

5. The learned Additional Public Prosecutor, on instructions, would submit that this petitioner is regularly involved in crimes of this nature. The learned counsel also submitted that there is already FIR pending against the petitioner in Cr.No.53 of 2018. Therefore, the learned counsel submitted that the condition imposed by the Court below is not unreasonable.

6. This Court has carefully considered the submissions made on either side and also materials placed on record.

7. This Court has to strike a via media between the rights of the petitioner and also take into consideration the gravity of the offence. Under normal circumstances, a statutory bail has to be granted without imposing any onerous condition. In a case of this nature, some times the Court must also impose certain conditions to balance the rights.

8. Taking into consideration of the facts and circumstances of the case, this Court is of the view, the condition imposed by the Court below could be modified to the extent that the petitioner is directed to deposit a sum of Rs.1,00,000/-. The other condition imposed by the Court below shall stand at it is.

This Criminal Original Petition is ordered accordingly.

dh/rpl

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To
1. The Principal District Court, Chennai.

2. The V Metropolitan Magistrate Court,
Chennai.

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3. - Do - Thro: The Chief Metropolitan
Magistrate, Egmore,
Chennai.

4. The Inspector of Police,
Central Crime Branch,
Chennai.

5. The Public Prosecutor,
High Court, Madras.

+2cc to M/s.G.Rajathi, Advocate, S.R.No.5792

CRL.O.P.No.535 of 2019

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