

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1498 of 2019

Nehru @ Nehru Babu

... Petitioner

-Vs-

Inspector of Police,
Central Crime Branch,
EDF-II, Team-IX-A,
Chennai.
(Crime No.454 of 2017)

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to modify the conditions imposed by the learned CCB, CBCID Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.7403 of 2018 dated 02.01.2019.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed seeking for modification of the condition imposed by the Court below while granting statutory bail to the petitioner.

2. The petitioner was arrested and remanded to Judicial Custody in Crime No.454 of 2017 for the offences under Sections 406, 420 of IPC. The petitioner was remanded to judicial custody on 02.11.2018. However, no final report has been filed by the respondent police. Therefore, the petitioner was granted statutory bail.

3. The Court below while granting the statutory bail, had imposed the condition that the petitioner should deposit a sum of Rs.25,00,000/- to the credit of Crime No.454 of 2017. Aggrieved by this condition, the present petition has been filed before this Court.

4. The learned counsel for the petitioner would submit that the Court below had granted Statutory bail to the petitioner and therefore, the Court below ought not to have imposed the said onerous condition against the petitioner. The learned counsel would further submit that the condition that has been imposed by the Court below are incapable of being complied with by the petitioner and therefore, in spite of the

grant of the statutory bail, the petitioner is not in a position to come out of the jail.

5. This Court has carefully considered the submissions made on either side. The statutory bail granted to the petitioner is the matter of right provided under Section 167 (2) of Cr.P.C. Therefore, while granting a statutory bail, Court should not impose onerous conditions and defeat the very right given to the accused person under the code. In the considered view of this Court, the 1st condition imposed by the Court below are onerous and incapable of being complied with by the petitioner. Therefore, the same requires interference by this Court.

6. In the result, the 1st condition imposed by the Court below is hereby set aside and the petitioner is directed to execute a bond for a sum of Rs.10,000/- with two sureties for a like sum. The other conditions imposed by the Court below shall stand as it is.

7. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (CSiv)

//True Copy//

Sub Assistant Registrar

ssr/kal
To

1.The CCB, CBCID Metropolitan Magistrate, Egmore, Chennai

2.The Inspector of Police,
Central Crime Branch,
EDF-II, Team-IX-A,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Sudharsan , Advocate SR.No. 4438

Cr1.O.P.No.1498 of 2019

A.SK(22/01/2019)