

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1339 of 2019

Ravishankar

... Petitioner

-Vs-

State by,
The Sub-Inspector of Police,
Central Crime Branch,
EDF-II, Team-IX-A,
Chennai.
(Crime No.493 of 2018)

.... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to modify the conditions imposed on him by the order dated 10.01.2019 made in Crl.M.P.No.4 of 2019 on the file of the Metropolitan Magistrate for exclusively Train of CCB cases and CBCID Metro cases, Egmore, Chennai.

For Petitioner : Mr.S.Lakshmanasamy

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

ORDER

This petition has been filed seeking for modification of the conditions imposed by the Court below while granting bail to the petitioner in Crl.M.P.No.4 of 2019.

2. The respondent police registered an FIR in Crime No.493 of 2018 for an alleged offence under Sections 406, 420 r/w 34 of IPC. This FIR was registered as against seven accused persons. This petitioner is A3. The petitioner was arrested and remanded to judicial custody on 29.12.2018. The petitioner filed a bail petition before the Court below and the Court below, after considering the entire facts and circumstances of the case, granted bail to the petitioner by imposing certain conditions. The petitioner is aggrieved by all the three conditions imposed by the Court below.

3. The learned counsel for the petitioner brought to the notice of this Court, the Memorandum of Understanding arrived

at between the petitioner and the *defacto* complainant on 09.01.2019. As per the Memorandum of Understanding, the petitioner has already transferred an amount of Rs.10 Lakhs to the *defacto* complainant. That apart, the petitioner's daughter and her mother have also executed a sale agreement with respect to property worth Rs.70 Lakhs. Further, the petitioner has also agreed to pay a sum of Rs.4 Lakhs to the *defacto* complainant at the time of the registration of the sale deed.

4. The Court below has taken into consideration this Memorandum of Understanding entered into between the petitioner and the *defacto* complainant and has granted bail. However, while granting bail, the Court below has imposed certain conditions which on the face of it, is onerous and the Court below ought not to have imposed those conditions more particularly due to the fact that this petitioner and the *defacto* complainant have already entered into a Memorandum of Understanding.

5. The conditions imposed by the Court below require interference of this Court. Accordingly, the conditions imposed by the Court below in CrI.M.P.No.4 of 2019, dated 10.01.2019, is hereby set aside and is modified as follows:

a) The petitioner shall execute a bond for a sum of Rs.10,000/- along with two sureties for a like sum, to the satisfaction of the Court below and one of the sureties shall be a blood relative of the petitioner.

b) The petitioner shall appear before the respondent police once in a week, i.e. on Monday at 10.00 a.m., for a period of four weeks and thereafter, he shall appear as and when required by the respondent police.

6. The Criminal Original Petition is allowed to the extent indicated above.

ssr/kal

Sd/-
Assistant Registrar (CS)

//True copy//

Sub Assistant Registrar

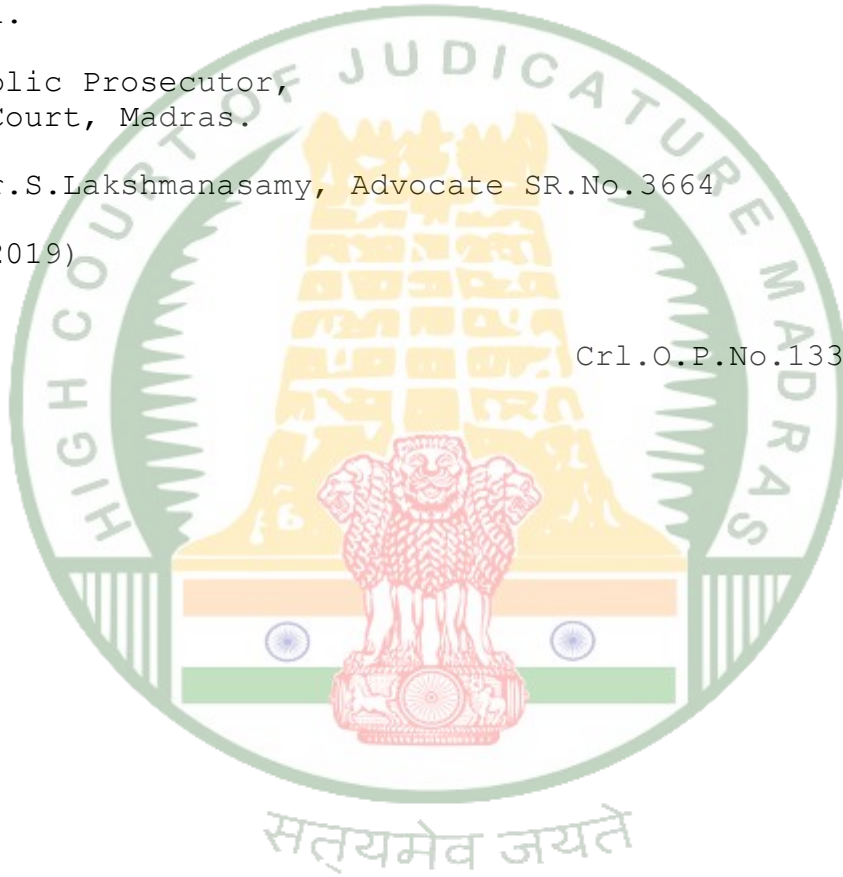
To

1. The Metropolitan Magistrate
(SPL. COURT FOR CCB AND CBCID METRO CASES),
Egmore, Chennai.
2. The Chief Metropolitan Magistrate, Egmore, Chennai.
3. The Sub-Inspector of Police,
Central Crime Branch,
EDF-II, Team-IX-A,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Lakshmanasamy, Advocate SR.No.3664

KR(18/01/2019)

Cr1.O.P.No.1339 of 2019



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