

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.1342 of 2019

Girish Anand

... Petitioner

Vs.

State Rep.by:

The Sub Inspector of Police
Central Crime Branch,
EDF-II, Team-IXA,
Vepery, Chennai-07.

... Respondent

Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. praying to modify the conditions 1 to 3 viz., i) The petitioner shall execute a bond for Rs.1,00,000/- along with 2 other sureties for the like sum to the Lower Court. One among the surety shall be a blood relative of the petitioner. ii) that the petitioner shall deposit original title deed to the value of Rs.20 lakhs stands in his name. iii) that the petitioner shall appear and sign before the respondent police at 10.00 a.m., and 5.00 p.m., until further orders of the learned Metropolitan Magistrate, for exclusive trial of CCB Cases (relating to Cheating Cases in Chennai), and CBCID Metro Cases, Egmore, Chennai imposed on the petitioner in CrI.M.P.No.19 of 2019 in Crime No.493 of 2018 pending on the file of the respondent by its order dated 10.01.2019.

For Petitioner : Mr.K.R.Ramesh Kumar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed for modification of the conditions imposed by the learned Metropolitan Magistrate, for exclusive trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai) in CrI.M.P.No.19 of 2019 dated 10.01.2019.

2. The respondent police registered a FIR in Crime No.493 of 2018 for an alleged offences under Sections 406, 420 r/w 34 of IPC as against seven accused persons. This petitioner is A-1. The petitioner was arrested and remanded to judicial custody on 29.12.2018. The petitioner filed a bail petition before the learned Metropolitan Magistrate, for exclusive trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai) and the said Court, 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 Undertaking arrived at between A5/father of A1 and the de-facto complainant on 09.01.2019. As per the Memorandum of Undertaking, the father of the petitioner, viz., A5, has already transferred an amount of Rs.5 Lakhs to the de-facto complainant.

4. This petition is strongly opposed by the learned Additional Public Prosecutor. However, Mr.A.Dilliraj, learned counsel for the intervener/defacto complainant produced the affidavit of the complainant dated 21.01.2019.

5. The Court below has taken into consideration this Memorandum of Undertaking entered into between the father of the petitioner and the de-facto 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 the father of the petitioner and the de-facto complainant have already entered into a Memorandum of Understanding.

6. 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.19 of 2019, dated 10.01.2019, are hereby modified as follows:-

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

b) Condition No.2 is deleted.

c) 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.

7. The Criminal Original Petition is allowed to the extend indicated above.

kv

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To

1. The Metropolitan Magistrate, for exclusive trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.
2. The Sub Inspector of Police
Central Crime Branch,
EDF-II, Team-IXA,
Vepery, Chennai-07.
3. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.K.R.Ramesh Kumar, Advocate, S.R.No.3936/2019

kak(21/01/2019)

CRL.O.P.No.1342 of 2019

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