

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.01.2019

CORAM:
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.1428 of 2019

A.Vinothan

... Petitioner

Vs.

The State Rep.by its
The Sub Inspector of Police
Central Cirme Branch,
EDF-II, Team-IXA,
Vepery, Chennai-07.
Cirme No.493 of 2018.

... Respondent

Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. praying to modify the order dated 10.01.2019 in Crime No.439 of 2018 on the file of the CCB and CBCID Metropolitan Magistrate in so far as the condition to deposit the original title deed to the value of Rs.20,00,000/- (Rupees twenty lakhs) stands in the name of the petitioner.

For Petitioner : Mr.R.Karthikeyan

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 Cr1.M.P.No.3 of 2019 dated 10.01.2019.

2. The respondent police registered a FIR in Cirme 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-2. 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 the brother-in-law of the petitioner and the de-facto complainant on 09.01.2019. As per the Memorandum of Undertaking, the brother-in-law of the petitioner, viz., P.Muthu Kumar, has already transferred an amount of Rs.3 Lakhs to the de-facto complainant.

4. This petition is strongly opposed by the learned Additional Public Prosecutor.

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

6. Though the petitioner prays for modification of condition No.2 of the order of the Court below, this Court deems fit to modify the entire conditions imposed by the Court below and the same 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 extent indicated above.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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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.R.Karthikeyan, Advocate, S.R.No.4155

CRL.O.P.No.1428 of 2019

rrs 22/01/2019