

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.1853 of 2019

Balakrishna Menan

... Petitioner/Accused I

Vs.

The State of Tamil Nadu,
rep. by the Inspector of Police,
District Crime Branch
Thiruvallur District. ... Respondent/Complainant

Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. praying to modify the condition imposed by the learned Judicial Magistrate No.I, Thiruvallur i in Crl.M.P.No.5000 of 2018 dated 03.12.2018 in so far as the condition to deposit Rs.2,00,000/- as cash security and to execute bond for Rs.25,000/- with two sureties.

For Petitioner : Mr.P.Shivaraj Mohan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

This petition has been filed to modify the condition imposed by the learned Judicial Magistrate No.I, Thiruvallur in Crl.M.P.No.5000 of 2018 dated 03.12.2018 in so far as the condition to deposit Rs.2,00,000/- as cash security and to execute bond for Rs.25,000/- with two sureties.

2. The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody for the past 87 days. He would submit that the petitioner is no way connected with the crime as alleged by the prosecution. There is no overt act against the petitioner. Further the trial Court granted bail and the learned trial Judge had imposed the following conditions:-

"the petitioner on his depositing of
Rs.2,00,000/- before this Court towards the

said crime and to execute bond for Rs.25,000/- with two sureties and petitioner shall appear and sign before the respondent station daily at 10.00 a.m and 5.00 p.m, until further orders "

The learned counsel for the petitioner would further submit that while the petitioner was enlarged on bail no condition can be imposed and it is onerous and stringent. Therefore, he prays to modify the conditions imposed, while he was granted bail.

3. The learned Additional Public Prosecutor would submit that the petitioner involved in huge and grave crime. To get a medical seat for the defacto complainant's son, the petitioner along with other accused persons cheated the him to the tune of Rs.25,00,000/-. Therefore, she sought for dismissal of this petition seeking modification.

4. It is seen from the records that the petitioner was arrested and remanded to judicial custody for the past 87 days. The learned Judicial Magistrate No.I, Thiruvallur has also granted bail to the petitioner in CMP.No.5000 of 2018 dated 03.12.2018 on condition that the petitioner shall deposit Rs.2,00,000/- before the Judicial Magistrate No.I, Thiruvallur.

5. Considering the above facts and circumstances and co-accused was enlarged on bail on condition that he shall deposit a sum of Rs.1,00,000/- in Crime No.22 of 2018. Hence this Court is also inclined to modify the condition that the petitioner shall deposit a sum of Rs.1,00,000/- instead of Rs.2,00,000/- before the Judicial Magistrate No.I, Thiruvallur, towards the Crime No.22 of 2018 and to execute bond for Rs.25,000/- with two sureties. The other conditions shall remain intact.

6. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(CS-IV)

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Sub Assistant Registrar

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To

1.The Judicial Magistrate No. I,
Thiruvallur.

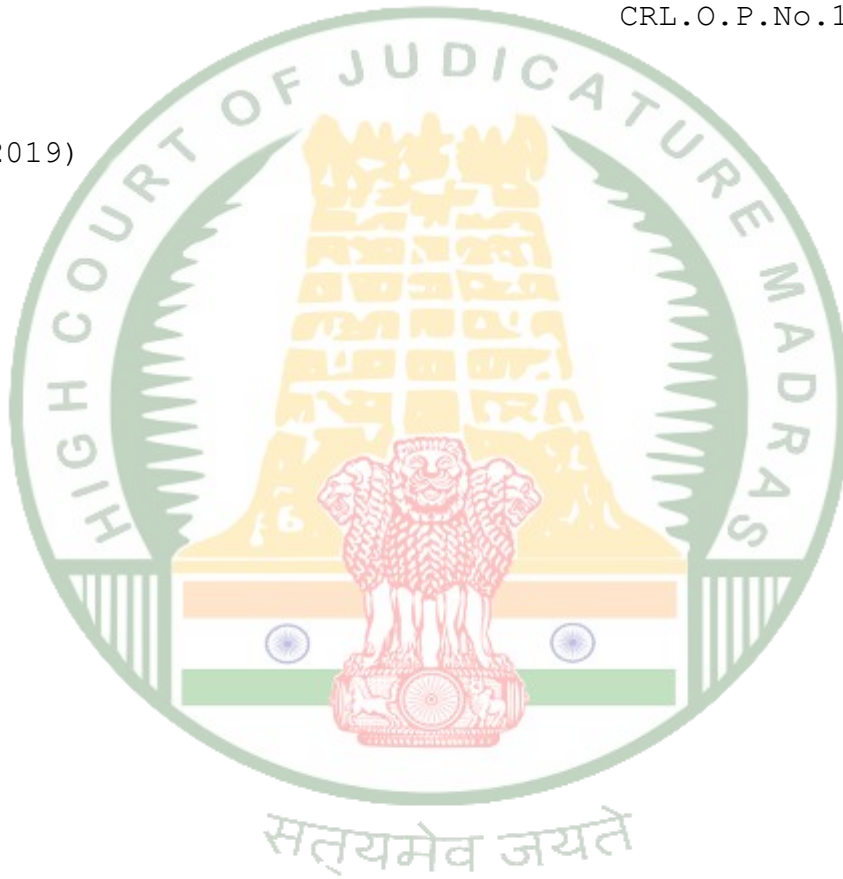
2. The Inspector of Police,
District Crime Branch
Thiruvallur District.

3.The Public Prosecutor,
High Court of Madras, Chennai.

+lcc to Mr.P.Shivaraj Mohan, Advocate, S.R.No. 1637

CRL.O.P.No.1853 of 2019

RJI (CO)
GN(28/01/2019)



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