

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2292 of 2019

Ravindra Kumar

...Petitioner/Accused

Vs.

The State Rep. by
The Inspector of Police,
Virugambakkam Police Station,
Chennai.

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439(1)(b) of the Code of Criminal Procedure, to set aside the condition imposed by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai passed in Crl.M.P.No.2285 of 2018 in Crime No.489 of 2018 dated 19.12.2018 directing the petitioner to deposit a sum of Rs.6,00,000/- before the trial Court itself.

For Petitioner : Mr.T.R.Ravi

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

O R D E R

This petition has been filed challenging the condition imposed by the Court below, while granting bail to the petitioner.

2.The petitioner was arrested by the respondent police in Crime No.489 of 2018 for an offence under Section 402 I.P.C. The petitioner was in judicial custody from 21.11.2018. The petitioner filed a bail application before the Court below and the Court below after taking into consideration the facts and circumstances of the case, granted bail by imposing certain conditions. One of the conditions that was imposed by the Court below was that the petitioner should deposit a sum of Rs.6 Lakhs in the Court. The petitioner is aggrieved by this condition.

3.The learned counsel for the petitioner submitted that the condition imposed by the Court below is onerous and this Court has repeatedly held that at the time of granting bail, condition imposing cash security should not be made. The learned counsel for the petitioner further submitted that the real dispute between the petitioner and the de-facto complainant is with regard to non-payment of the lease amount for taking the lorry on lease from the de-facto complainant. This according to the learned counsel for the petitioner is purely civil dispute and the Court below ought not to have imposed such a condition.

4.This Court is of the considered view that the Court below ought not to have imposed a condition insisting the petitioner to deposit a sum of Rs.6 Lakhs as cash security. The facts and circumstances of the case, does not warrant imposition of such a condition. This Court has deprecated the practice of imposing the condition of cash security.

5.The order passed by the Court below insofar directing the petitioner to deposit a sum of Rs.6 Lakhs as cash security is hereby set aside. The other conditions imposed by the Court below shall stand as it is. Accordingly, this Criminal Original Petition is allowed.

ia/vsgl

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
Virugambakkam Police Station,
Chennai.
3. The Public Prosecutor,
Madras High Court, Chennai- 104.

+1cc To Mr.T.R.Ravi, Advocate, SR.No.7686

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EV(CO)
KAK(30/01/2019)