

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL MISCELLANEOUS PETITION No.1479 of 2019

IN CRL OP.28939/2018

M.V.PRAKASH

[PETITIONER/ACCUSED]

Vs

[RESPONDENT]

STATE REP. BY
INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM-III, EDF-II,
CHENNAI. CR.NO.440 OF 2018.

Petition praying that in the circumstances stated therein the High Court will be pleased to MODIFY THE CONDITION by waiving the same in the said order for depositing of Rs.35 lakhs by the petitioner imposed by this Hon'ble High Court, Madras in Crl.OP.No.28939 of 2018 dt.17.12.2018.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.P.SHABANA, Advocate for the petitioner and of Mr.M.Mohamed Riyaz, ADDL. PUBLIC PROSECUTOR, on behalf of the Respondent the court made the following order:-

This petition has been filed seeking to modify the condition imposed by this Court in Crl.O.P.No.28939 of 2018 dated 07.12.2018, while granting bail to the petitioner for the alleged offences punishable under Sections 406, 420 & 506(i) of IPC in Crime No.440 of 2018 on the file of the respondent police.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. The learned counsel for the petitioner would submit that the petitioner is suffering from heart disease and as such, he could not able to comply with the conditions imposed by this Court. Therefore, he seeks modification of the said order passed by this Court.

4. It is seen that this Court, while granting bail to the petitioner has imposed one of the conditions that the petitioner shall deposit a sum of Rs.35,00,000/-, within a period of six weeks from that day i.e. 17.12.2018 and in the said condition, It has been specifically mentioned that if the petitioner has not complied with

the same, the bail granted to the petitioner shall stand automatically cancelled without further reference to this Court and the respondent police shall secure the petitioner for appropriate action. In the meantime, it is seen that the petitioner has moved for bail before the Metropolitan Magistrate Court and the Principal Sessions Court, Chennai. But, it appears that both the bail petitions were dismissed. However, it is seen that the petitioner has not complied with the said condition imposed by this Court in CrI.O.P.No.28939/2018 dated 07.12.2018 to the effect that he should deposit a sum of Rs.35,00,000/-. Therefore, he has moved this petition to modify the said condition contending that he is suffering from heart disease in the prison and therefore, he has to come out of bail and further his financial position is not sound to deposit the conditional amount. However, since this Court is not agreed with the contentions of the petitioner, is not inclined to modify the condition.

5. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

-sd/-

11/02/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

सत्यमेव जयते

TO

1 THE CCB AND CBCID SPECIAL
METROPOLITAN MAGISTRATE,
ALLIKULAM, CHENNAI.

2 THE PRINCIPAL SESSIONS COURT,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM-III, EDF-II, CHENNAI.

C.C. to M/S.M.F.SHABANA Advocate on payment of necessary charges

Order

in
CRL MP.1479/2019

in
CRL OP.28939/2018

Date :11/02/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
THS : 26.02.2019



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