

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.3480 of 2019

Kannan

...Petitioner

Vs.

The State rep. by
the Inspector of Police
Central Crime Branch (CCB)
EDF-I, Team II
Chennai
(Crime No.453/2019)

...Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed in Crl.M.P.No.2103 of 2019 in Crl.M.P.No.21926 of 2018 on the file of the Principal Sessions Court and modify the condition of depositing title deeds worth Rs.10 lakhs.

For Petitioner : Mr.P.Ramaraj

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

O R D E R

This Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed in Crl.M.P.No.2103 of 2019 in Crl.M.P.No.21926 of 2018 on the file of the Principal Sessions Court and modify the condition of depositing title deeds worth Rs.10 lakhs.

2.It is the case of the prosecution that the petitioner along with other two accused have obtained loan from the defacto complainant bank by providing false documents.

3.The learned counsel for the petitioner would submit that the petitioner was granted bail by the Principal Sessions Judge, Chennai in Crl.M.P.No.21926 of 2018 on 21.12.2018 for the offences under Sections 420, 465, 467, 468 and 471 of IPC in

Crime No.453 of 2018 on execution of a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, for exclusive trial of CCB and CBCID cases, Chennai with further condition to deposit title deeds worth Rs.10 lakhs before the said Magistrate and to report before the respondent police daily at 10.30 a.m. until further orders.

4.The learned counsel for the petitioner would further submit that the petitioner is innocent of offence. A1 and A3 are brothers. This petitioner/A2 is the third person and he has nothing to do with the allegations. The particulars stated in the bail petition are false and A3 had given the details to the counsel and obtained bail. The property alleged to have been mortgaged is owned by the petitioner's father and after his demise, his legal heirs succeeded the same through the Will. Whereas, the bail has obtained by showing the said property to this petitioner. Petitioner is pauper and he does not own any property and he is unable to comply the condition of depositing the title deeds. Hence, prays for modification of the said condition.

5.The learned Additional Public Prosecutor would submit that the amount involved in this case is Rs.1.77 Crores and considering the facts and circumstances of the case, the learned Principal Sessions Judge, Chennai imposed necessary condition and hence prays for dismissal of the petition.

6.Heard both sides.

7.In view of the above, this Court is inclined to modify the conditions imposed by the Principal Sessions Judge, Chennai in CrI.M.P.No.21926 of 2018 on 21.12.2018 to the effect that the petitioner shall execute a bond for a sum of Rs.10 lakhs instead of depositing the title deeds worth Rs.10 lakhs before the learned Metropolitan Magistrate for exclusive trial of CCB and CBCID Cases, Chennai. The other conditions imposed in the order shall stand unaltered.

8.Accordingly, this Criminal Original Petition is modified.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Principal Sessions Court
Chennai

2.The Metropolitan Magistrate
Exclusive Trial of
CCB and CBCID Cases, Chennai

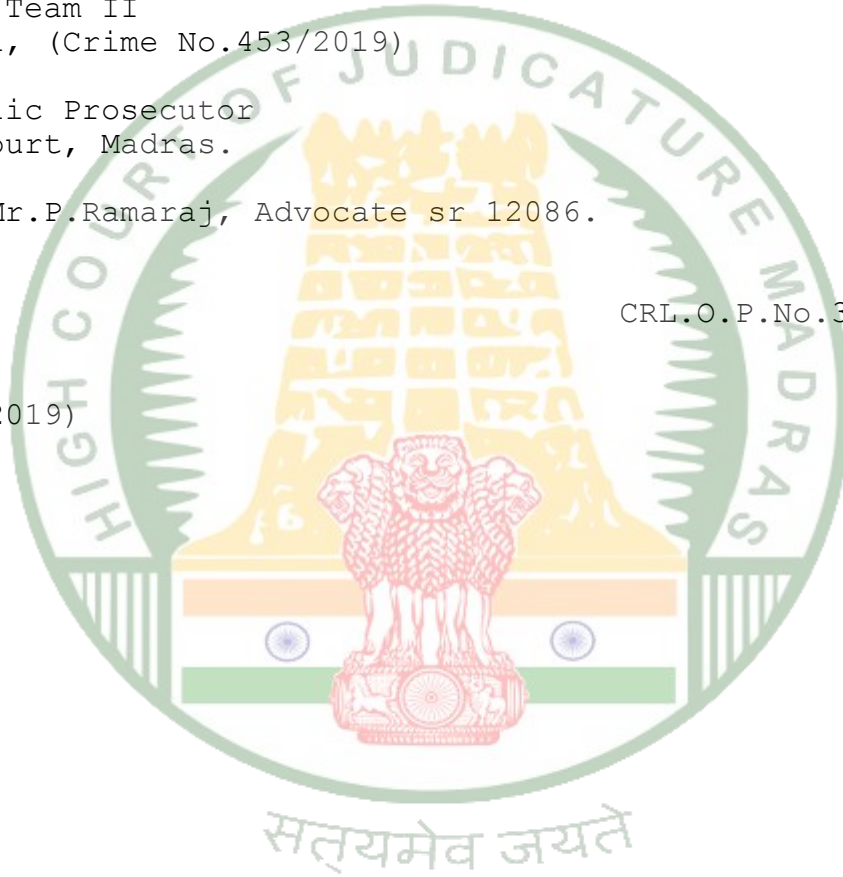
3.The Inspector of Police
Central Crime Branch (CCB)
EDF-I, Team II
Chennai, (Crime No.453/2019)

4.The Public Prosecutor
High Court, Madras.

+1 CC to Mr.P.Ramaraj, Advocate sr 12086.

CRL.O.P.No.3480 of 2019

PA(CO)
SP(19/02/2019)



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