

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.3867 of 2019

Gnanaraj @ Johnson

... Petitioner

Vs.

State by.
The Inspector of Police,
Central Crime Branch,
EDF-II Wing, Team-III,
Chennai, Egmore – 600 008.
Crime No.113 of 2018.

... Respondent

Prayer:- Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. praying to modify the conditions No.1 and 2 imposed in the order dated 05.02.2019 passed in Crl.M.P.No.429 of 2019 in Crime No.113 of 2018 by the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

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ORDER

This Criminal Original Petition has been filed to modify the condition Nos.1 and 2 imposed in the order dated 05.02.2019 passed in Crl.M.P.No.429 of 2019 in Crime No.113 of 2018 by the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

2. The petitioner was arrested by the respondent police for an alleged offence under Section 420 r/w 109 IPC, and he was granted the statutory bail by the Court below by imposing certain conditions.

3. The learned counsel for the petitioner submitted that the Court below has directed the petitioner to deposit title deed to the tune of Rs.25 lakhs and also executed a bond for a sum of Rs.1 lakh along with two sureties for a like sum.

4. The learned counsel for the petitioner further submitted that onerous condition cannot be imposed by the Court below, while considering the statutory bail petition.

5. The learned counsel for the petitioner also submitted that the order of the Court below is indirectly taking away the indefeasible right of the petitioner granted by the Code of Criminal Procedure.

6. Taking into consideration, the facts and circumstances of the case, this Court is inclined to interfere with the condition Nos.1 and 2 imposed by the Court below. The first condition imposed by the Court below is hereby set aside. The second condition imposed by the Court below is modified. The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties and one among the sureties shall be blood

relative of the petitioner and the other surety shall be a Government Servant. The other conditions imposed by the Court below shall stand as it is.

7. Accordingly, this Criminal Original Petition is disposed of.

14.02.2019

Index : Yes/No
Internet: Yes/No
Speaking /Non-Speaking Order
msrm/ksa-2

To

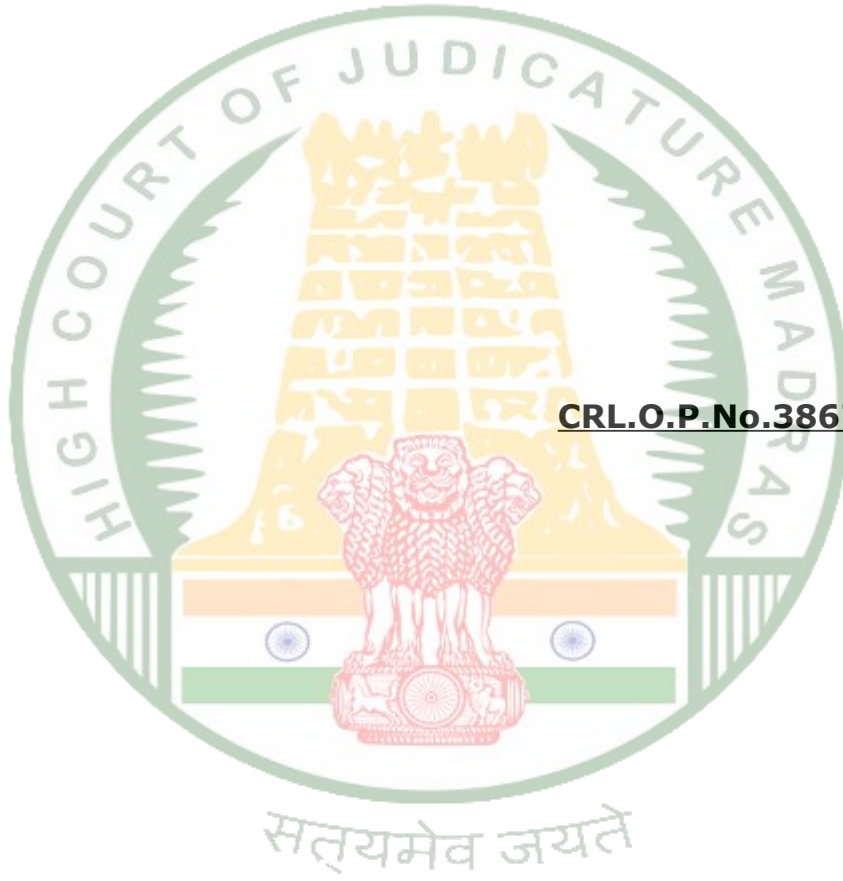
1. The learned Metropolitan Magistrate,
CCB Cases and CBCID Cases,
Egmore, Chennai -8

2. The Inspector of Police,
Central Crime Branch,
EDF-II Wing, Team-III,
Chennai, Egmore – 600 008.
Crime No.113 of 2018.

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

N.ANAND VENKATESH,J.

msrm/ksa-2



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