

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5582 of 2019

1. Kupparaj
2. Senguttuvan
3. Vijaya

...Petitioner/Accused 1 to 3

-Vs-

State
Inspector of Police,
Central Crime Brach - I,
Chennai

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to modify the conditions that the (i) petitioners /Accused 1 to 3 should deposit a sum of Rs.10,00,000/- (Rupees Ten lakhs only) each and (ii) the petitioners /Accused 1 to 3 shall furnish each two sureties for the like sum of Rs.10,000/- and one among the surety shall be a blood relative of the petitioners/Accused 1 to 3 and the other shall be Government Servant imposed in the order passed by the learned Magistrate for CCB and CBCID cases at Egmore Chennai in Crl.MP.No.1636 of 2019 on 25.02.2019 and enabling the petitioner to give sureties with proper proof of residence like ration card, Aadhar card.

For Petitioner : Mr.D.Bennigton

For Respondent : Mr.M.Prabhavathi
Additional Public Prosecutor

ORDER

The Court below while granting statutory bail to the petitioners has imposed a condition directing the petitioners to deposit a sum of Rs.10,00,000/- each as cash security.

2. The learned counsel for the petitioner submitted that while granting statutory bail, the Court cannot impose such a onerous condition and thereby, prevent the petitioners from coming out on statutory bail.

3. This Court is of the considered view that, while a Court considers a statutory bail, the only condition that is required to be satisfied is as to whether the accused person is willing to offer bail and the Court cannot impose onerous condition, which will indirectly prevent the petitioners from coming out on bail and defeat the statutory right provided under the code of Criminal procedure.

4. In view of the above, the 1st condition imposed by the Court below is hereby set aside and other conditions imposed by the Court below shall stand as it is. Accordingly, this Criminal original petition stands disposed of.

01/03/2019

Being Mentioned

This Petition having been posted on this day "FOR BEING MENTIONED" In Pursuance to the order of this court dated 08/03/19 and made herein the presence of the above said Advocate, this court made the following order:

Today, the matter is listed under the caption "for being mentioned"

2. The learned counsel for the petitioner submitted that the petitioner had produced one Government Surety with all necessary documents. However, the court below seems to be insisting sanction letter from the Department, permitting the Government Servant to stand as a surety.

3. This requirement is not necessary and such a letter need not be produced by the person standing as a Government Surety. The Court below is directed not to insist for such a letter.

4. Registry is directed to carry out necessary correction in the order and issue fresh order copy.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

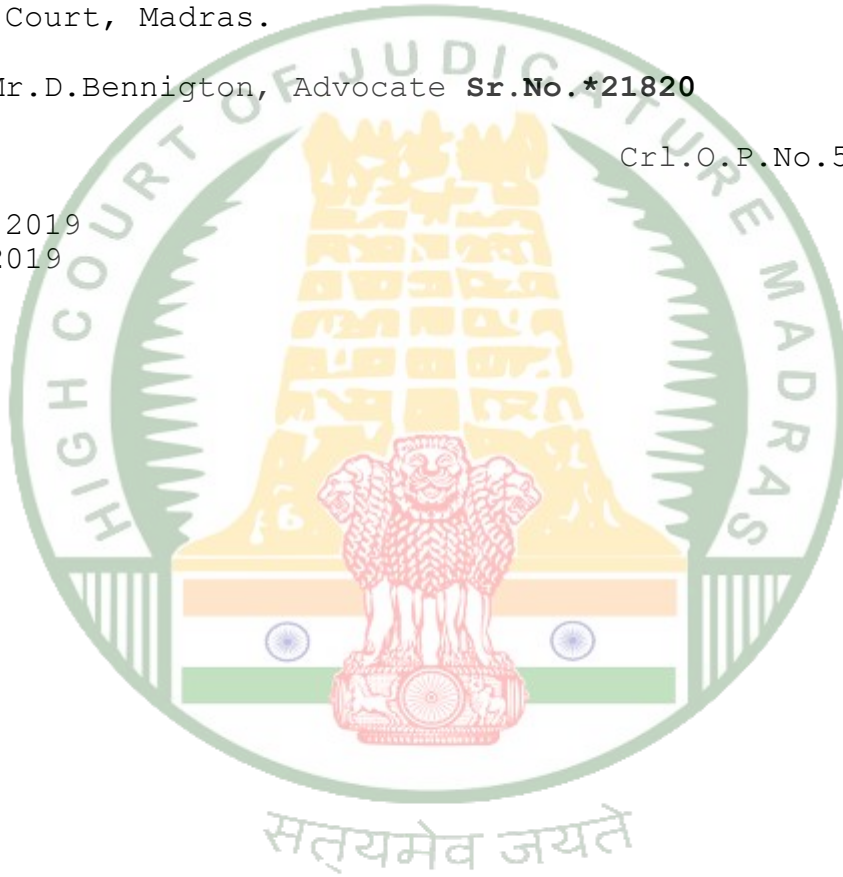
To

1. The Magistrate for CCB and CBCID Cases,
Egmore, Chennai.
2. The Inspector of Police,
Central Crime Brach - I, Chennai
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.D.Bennigton, Advocate **Sr.No.*21820**

Crl.O.P.No.5582 of 2019

SR(CO)
CSL/05.03.2019
nr 08/03/2019



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