

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No. 6859 of 2019

A.Deivajothi

...Petitioner

Vs.

State represented by
The Sub-Inspector of Police,
EDF-I, Central Crime Branch,
Team - II, Egmore, Chennai.

....Respondent

PRAYER: Criminal Original Petition filed under Section 439 (1) (B) of Criminal Procedure Code, praying to modify the conditions i.e the accused shall execute a bond of Rs.1,00,000/- on his own along with two other sureties for the like sum to the satisfaction of this Court one among the surety shall be Govt. Servant, imposed by the Hon'ble CCB & CBCID Metropolitan Magistrate Court, Egmore, Chennai, in CrI.M.P.No.780 of 2019 and enlarge the petitioner on bail in Cr.No.465 of 2018 on the file of the respondent police.

For Petitioner : Mr.T.Mathi

For Respondent : Ms.M.Prabhavathi

Additional Public Prosecutor

सत्यमेव जयते

ORDER

This Criminal Original Petition has been filed seeking to modify the conditions i.e the accused shall execute a bond of Rs.1,00,000/- on his own along with two other sureties for the likesum to the satisfaction of this Court one among the surety shall be Govt. Servant, imposed by the CCB & CBCID Metropolitan Magistrate Court, Egmore, Chennai, in CrI.M.P.No.780 of 2019 and enlarge the petitioner on bail in Cr.No.465 of 2018 on the file of the respondent police.

2. The court below while granting the statutory bail under Section 167 (2) Cr.P.C has imposed following conditions:

"1. The accused shall execute a bond for Rs.1,00,000/- on his own along with two other sureties for the likesum to the satisfaction of this court. One among the surety shall be a Government Servant.

3. That the accused shall produced property worth Rs.1,00,000.- either of his own."

3. The learned counsel for the petitioner submitted that while granting statutory bail, the Court cannot impose onerous conditions to the extent that the petitioner is incapable of complying with those conditions.

4. The learned counsel for the petitioner further submitted that even though the bail was granted on 11.02.2019, till date the petitioner is not able to come out on bail, since she is not able to comply with the conditions.

5. The learned counsel for the petitioner further submitted that this petitioner is ailing from serious heart disease.

6. Taking into consideration of the facts and circumstances of this case, this Court is of the considered view that conditions 1 and 3 are onerous and such condition ought not to have imposed by the Court below while granting statutory bail. The only requirement at the time of considering a statutory bail is whether the accused person is willing to offer the bail. If that is satisfied, no other conditions can be imposed by the Court while considering a statutory bail.

7. In view of the above, the first condition is modified to the extent that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties for a like sum. The third condition imposed by the court below is hereby set aside. The other condition shall stand as it is.

Accordingly, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

dh/ssr
To

1. The CCB & CBCID
Metropolitan Magistrate Court,
Egmore, Chennai.

2. The Sub-Inspector of Police,
EDF-I, Central Crime Branch,
Team - II, Egmore, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. T.Mathi, Advocate SR.No. 23977

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A.SK(14/03/2019)



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