

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7548 of 2019

Mr.Radjan

... 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 482 Cr.P.C. to modify the conditions i.e.(1)accused shall execute a bond of Rs.10,000/- with two sureties, one must be a Government Servant, each for a like sum to the satisfaction of the learned CCB/CBCID Metropolitan Magistrate, Chennai and on further condition that (2) the petitioner shall deposit title deeds worth Rs.10,00,000/- before the said Magistrate, imposed by the Hon'ble Principle Sessions Judge and enlarge the petitioner on bail in Crl.M.P.No.354 of 2019 in Crime No.465 of 2018 on the file of the Hon'ble CCB/CBCID Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.T.Mathi

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

ORDER

This Criminal Original Petition has been filed seeking to modify that the order dated 10.01.2019 made in CrI.M.P.No.354 of 2019, on the file of the learned Principal Sessions Judge, Chennai.

2.It is seen that the petitioner was granted bail on 10.01.2019 by the learned Principal Sessions Judge, Chennai, on certain conditions, which is as follows:

" Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties, one surety must be a Government Servant, each for a likesum to the satisfaction of the learned CCB/CBCID Metropolitan Magistrate, Chennai and on further condition that

(a)the petitioner shall deposit title deeds worth Rs.10 Lakhs before the said Magistrate.

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

(c)the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(e)the petitioner shall not abscond either during investigation or

trial.

*(f)on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs.State of Kerala (2005) AIR SCW 5560.***

(g)If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC."

3.The learned counsel for the petitioner submitted the defacto complainant is his own father. He further submitted that the petitioner is suffering incarceration from 07.12.2018 and he could not able to arrange for government surety and also that he does not have any property to deposit title deeds. Hence, he prays for modification of the order dated 10.01.2019.

4.The learned Additional Public Prosecutor submitted that investigation is still pending.

5.Heard Mr.T.Mathi, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent.

G.K.ILANTHIRAIYAN, J.,

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6.Considering the submissions made by the learned counsel appearing for the petitioner, ***the condition No.6(a) in the order dated 10.01.2019 is deleted and the petitioner is directed to produce two local sureties for a likesum to the satisfaction of the learned CCB/CBCID Metropolitan Magistrate, Chennai.*** All other conditions imposed in CrI.M.P.No.354 of 2019 shall remain intact.

7.Accordingly, this Criminal Original Petition stands allowed.

21.03.2019

Issue order copy today (21.03.2019).

Internet:Yes

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To

1.The Principal Sessions Judge,
Chennai.

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

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.7548 of 2019