

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.OP No.9037 of 2019

Baby Wilson

..Petitioner

..Vs..

State by
Sub Inspector of Police,
Central Crime Branch,
Job Racket Wing, Team-IX,
Chennai.
(Crime No.18 of 2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 (1)(b) of the Code of Criminal Procedure, 1973, to modify the condition imposed on the petitioner pending on the file of the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.2669 of 2019 on 12.03.2019.

For Petitioner : Mr.R.Prabu

For Respondent : Ms.M.Prabhavathi, APP

ORDER

This petition has been filed seeking to modify the condition imposed by the Court below while considering the Statutory Bail Petition filed by the petitioner under Section 167(2) of CrPC.

2. The learned counsel for the petitioner submitted that the Court below has imposed a condition directing the petitioner to deposit title deed worth Rs.10 lakhs standing in the name of the petitioner, friends or his relatives. The learned counsel submitted that the petitioner is not in a position to comply with the said condition, and therefore, the petitioner continues to be inside jail for more than 120 days.

3. The learned Additional Public Prosecutor submitted that the total amount that is involved in this case is to the

tune of Rs.1.42 crores.

4. While, a Court considers a Statutory Bail Petition, the Court cannot impose an onerous condition which is incapable of being complied with. The Court can only impose a condition and ensure that the accused person offers bail before being released from the jail. In view of the settled law, the first condition imposed by the Court below is liable to be interfered with.

5. The first condition imposed by the Court below is hereby set aside and all the other conditions shall remain as it is.

Accordingly, the criminal original petition is allowed.

KP

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

To

1. CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai.
2. Sub Inspector of Police,
Central Crime Branch,
Job Racket Wing, Team-IX,
Chbennai.

3. The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.R.Kalidass, Advocate, SR.No.39715
(dated:25.04.2019)

Kak(23/04/2019)

Cr1.OP No.9037 of 2019