

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8948 of 2019

D.Santhosh

... Petitioner/A3

Vs.

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

... Respondent/Complainant

PRAYER: Criminal Original petition has been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the condition No.2 imposed in the order 11.01.2019 passed in Crl.M.P.No.187 of 2019 in Crime No.113 of 2018 by the CCB and CB CID Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : M/s.C.D.Sugumar

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed seeking for modification of the condition imposed by the Court below, while granting statutory bail to the petitioner under Section 167(2) of Cr.P.C.

2. The learned counsel appearing for the petitioner submitted that the Court below imposed a condition to the effect that the petitioner shall produce the original documents of title deed to the value of Rs.5,00,000/- (Rupees Five Lakhs only), either of his own or of his relatives or friends and submit it to the custody of the Court. The learned counsel for the petitioner submitted that the petitioner is not in a position to comply with the condition and therefore he is not able to come out on bail. The learned counsel further submitted that the Court below ought not to have imposed such a onerous condition, while considering the statutory bail.

3. It is a settled principle of law that at the time of considering the statutory bail, the Court has to only take into

consideration, the fact as to whether the accused is prepared to offer bail. The Court cannot impose any other onerous condition, while considering the statutory bail.

4. In view of the above, condition No.2, imposed by the Court below, is hereby set aside. The other conditions imposed by the Court below shall stand as it is.

5. This Criminal Original Petition is disposed of, with the above modification.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.CCB and CB CID,
The Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch,
EDF-II Wing, Team III,
Chennai, Egmore - 600 008.

3.The Public Prosecutor,
Madras High Court.

+1cc to Mr.C.D.Sugumar, Advocate, S.R.No.32284

Cr1.O.P.No.8948 of 2019

KJ(CO)

RRS (04/04/2019)

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