

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.9838 of 2019

Selvam

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Central Crime Branch,
EDF-I Wing, Team-II,
Chennai - 600 007.
Crime No.12 of 2019.

... Respondent

Prayer:- Criminal Original Petition filed under Section 439(1) (b) Cr.P.C. praying to modify the first condition that imposed on the petitioner in Crl.M.P.No.3495 of 2019 passed by the learned CCB & CBCID Metropolitan Magistrate, Egmore -8 by its order dated 26.03.2019.

For Petitioner : Mr.P.Palaninathan

For Respondent : Mrs.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 the statutory bail to the petitioner. The petitioner was arrested and remanded to judicial custody and has suffered incarceration for more than 68 days. Since no final report has been filed by the respondent police, the petitioner filed a petition under Section 167 (2) Cr.P.C, seeking for statutory bail.

2. The Court below, while considering the statutory bail petition, granted bail by imposing certain conditions. The petitioner is aggrieved by the condition 4(i), wherein the petitioner has been directed to deposit a document of title to the value of Rs.20 lakhs either on his own or friends or relatives.

3. The learned counsel for the petitioner submitted that while considering the statutory bail, the Court cannot impose such onerous condition and the same is a well settled principle of law.

4. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent.

5. Taking into consideration, the facts and circumstances of the case and also the law that has been settled in this regard, this Court is of the considered view that the Court below ought not to have imposed condition 4(i) since it is onerous in nature and such condition cannot be imposed, while considering the statutory bail petition.

6. In the result, the condition 4(i) imposed by the Court below is hereby set aside. The other conditions imposed by the Court below shall stand as it is.

7. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

msrm

To

1. The learned Metropolitan Magistrate,
CCB Cases and CBCID Cases,
Egmore, Chennai -8

2. The Inspector of Police,
Central Crime Branch,
EDF-I Wing, Team-II,
Chennai - 600 007.

3. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.P.Palaninathan, Advocate SR.No.36544

CRL.O.P.No.9838 of 2019

NRL (CO)
GMY (15/04/2019)