

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.9967 of 2019

Selvam

... Petitioner

Vs.

The State rep. by its
The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai.
Crime No.484 of 2018.

.... Respondent

Prayer:-

Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. praying to modify the conditions "(i) The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties to the like sum each, (One Document, One Blood relative Sureties), (ii) the petitioner/accused shall deposit the sum of Rs.50,000/- as deposit amount". imposed upon the petitioner in the order of Crl.M.P.No.1214 of 2018 dated 07.01.2019 by the Hon'ble XVII Metropolitan Magistrate, Saidapet, Chennai in Crime No.484 of 2018 on the file of the respondent.

For Petitioner : Mr.M.Ravikumar

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 is aggrieved by the two conditions imposed by the Court below. The First condition is that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties for a like sum each (One document, One blood relative sureties).

2. The learned counsel for the petitioner submitted that the Court below ought not to have insisted for production of

document and the such condition is onerous, which cannot be complied with by the petitioner.

3. The second condition over which the petitioner is aggrieved is a direction given to the petitioner to deposit a sum of Rs.50,000/-. This condition is onerous condition according to the petitioner. The learned counsel further submitted that since the petitioner was not able to comply with conditions 1 and 2, the petitioner was not able to come out on bail and he has already suffered incarceration for more than 170 days.

4. It is a settled law that while granting statutory bail, the Court cannot impose any onerous condition and the Court has to satisfy itself as to whether the accused person is willing to offer bail. The other conditions which are incapable of being complied with, cannot be imposed by the Court at the time of considering the statutory bail petition.

5. In view of the above, the first condition imposed by the Court below is modified as follows'-

The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties out of which one surety is a blood relative/wife .

6. The second condition imposed by the Court below directing the petitioner to deposit a sum of Rs.50,000/ is hereby set aside. The other conditions imposed by the Court below shall remain unaltered.

7. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Hon'ble XVII Metropolitan Magistrate,
Saidapet, Chennai
2. The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai.

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

+lcc to Mr.M.Ravikumar, Advocate, S.R.No.36850

CRL.O.P.No.9967 of 2019

RK(CO)
CS/24/04/2019



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