

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12085 of 2019

Upada Narayan Rao,
S/o Siranjeevi,
No.222, Mariyamman Koil Street,
Vawalpuram, Se.Kunnathur, Villpuram,
Tamil Nadu 605 651. Petitioner

Vs.

State Represented by
The Inspector of Police,
Central Crime Branch,
Egmore, Chennai.
Crime No.37 of 2019 Respondent

PRAYER: Criminal Original petition has been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the conditions imposed in Crl.M.P.No.2310/2019 by the learned Judicial Magistrate at Alandur, in pending Crime No.37/2019 on the file of the Inspector of Police, C.C.B., Chennai.

For Petitioner : M/s.P.Velumani

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for modification of the condition imposed by the Court below.

2.The learned counsel appearing for the petitioner would submit that the petitioner was ordered to be released on bail by the learned Judicial Magistrate, Alandur by an order dated 29.03.2019 in Crl.M.P.No.2310/2019. He would submit that the learned Judicial Magistrate while releasing the petitioner on bail imposed an onerous condition directing the petitioner to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) as cash surety. He further would submit that the petitioner was working as Office Assistant under the main accused and that he has also been falsely implicated in this case. The petitioner has not

obtained any wrongful gain in the matter. The main accused has cheated 20 persons in the guise of getting employment at abroad. He has been enlarged on bail on imposition of condition to pay cash surety and the other accused being the person who are involved in the offence and having obtained pecuniary wrongful monetary gain had paid the amount and have gone out on bail. He would further submit that the condition directing to pay cash deposit is onerous and despite the petitioner being arrested on 20.02.2019 bail being granted to the petitioner on 29.03.2019, the petitioner is languishing in jail, due to his poor financial condition. He would further submit that it would be impossible for the petitioner to pay the amount, which would amount to the petitioner suffering pretrial conviction.

3. The learned Additional Public Prosecutor would submit that the petitioner along with other accused cheated about 20 persons to the tune of Rs.20 lakhs.

4. Taking into consideration the facts and circumstances of the case, the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.1,00,000/- as cash surety is alone hereby set aside. The other conditions remain unaltered.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sai/ub

To

1.The Judicial Magistrate, Alandur,

2.The Inspector of Police,
Central Crime Branch, Egmore, Chennai.

3.The Public Prosecutor, Madras High Court.

+1 cc to Mr.P.Velumani, Advocate, Sr.No. 9124

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BB(CO)

CSL/03.05.2019