

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.12289 of 2019

1. Sujit Kumar Gupta

2. Venkatesh Nayak

... Petitioners

Versus

Inspector of Police,
Central Crime Branch,
Fake Passport Wing, Team XXXII,
Vepery, Chennai - 07.
(C.C.B.Cr.No.18 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the Bail Condition imposed against this petitioner in Crl.M.P.No.7481 of 2019 dated 12.04.2019, directing him (1) to deposit a title deed worth of Rs.10 lakhs of his own or his friends or relatives. (2) to furnish two sureties each for a sum of Rs.10,000/- but one among them to be blood surety for Rs.10,000/- (which the petitioner could not furnish, since his parents and his two brothers are no more and further his three sisters are also at aboard) to the satisfaction of the Metropolitan Magistrate's Court (For CCB & CBCID Metro Cases), Egmore, Chennai-8 and to comply with the other modified condition as imposed by the Principal Sessions Judge, Chennai in Crl.M.P.No.7481 of 2019 dated 12.04.2019 to report before the respondent Police daily at 10.30 a.m until further orders.

For Petitioners : Mr.R.Ratinakumar

For respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to modify the condition imposed by the Court below while granting bail to the petitioners.

2. The learned counsel appearing on behalf of the petitioners submitted that the petitioners have been suffering prolonged incarceration and since the final report was not filed within the statutory period, the petitioners filed a bail petition under Section 167(2) of Cr.P.C. The Court below allowed the petition and imposed certain conditions.

3. The first condition imposed by the Court below was that the each petitioner should deposit title deed worth of Rs.20,00,000/- (Rupees twenty lakhs only) either of their own or of the friends or relatives. The learned counsel submitted that this is a onerous condition and the petitioners are not in a position to comply with the condition. The learned counsel further submitted that such onerous condition cannot be imposed while granting statutory bail under Section 167(2) of Cr.P.C.

4. The learned counsel further submitted that in the second condition imposed by the Court below, the Court below has insisted that one of the surety shall be a blood relative. The learned counsel submitted that the first petitioner is not in a position to get a blood relative, since his mother is ailing and she is more than 89 years. The learned counsel submitted that the wife of the first petitioner will stand as a surety.

5. Taking into consideration, the facts and circumstances of the case and the scope of the conditions that can be imposed while considering the statutory bail petition, this Court is of the considered view that the first condition imposed by the Court below is onerous and accordingly, the same is set aside. In so far as the second condition imposed by the Court below is concerned, the same shall hold good for the second petitioner. For the first petitioner, instead of one surety being a blood relative, the same is modified to the effect that one surety shall be the wife of the first petitioner. The other conditions imposed by the Court below shall stand as it is.

6. With the above said direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

mrm/vv2

To

1.The Principal Sessions Judge,
Chennai.

2.The Metropolitan Magistrate
(For CCB & CBCID Metro Cases), Egmore, Chennai.

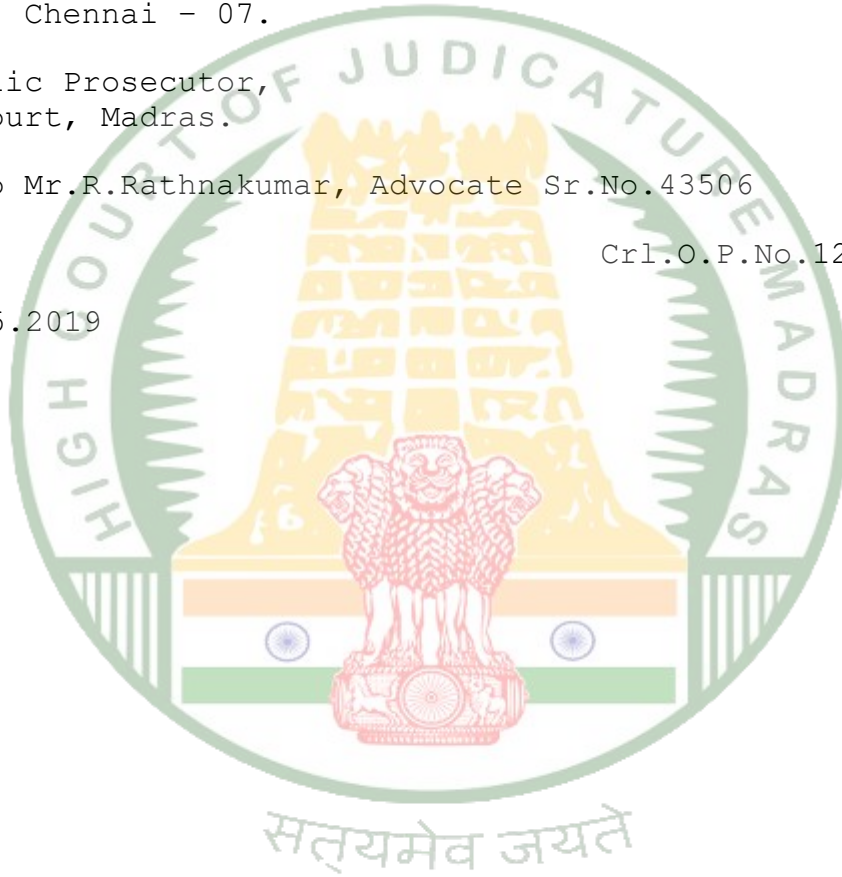
3.The Inspector of Police,
Central Crime Branch,
Fake Passport Wing, Team XXXII,
Vepery, Chennai - 07.

4.The Public Prosecutor,
High Court, Madras.

+3 cc's to Mr.R.Rathnakumar, Advocate Sr.No.43506

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SSI(CO)
CSL/16.05.2019



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