

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.05.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.12513 of 2019

1.Katta Srinivasa Rao
2.Chandran

.. Petitioners

-Vs-

The Inspector of Police,
Central Crime Branch,
Fake Passport Wing, Team XXXII,
Vepery, Chennai - 600 007.
(C.C.B.Cr.No.17 of 2019)

... Respondent

Prayer:

Criminal Original petitions have been filed under Section 482 of Cr.P.C. to modify the bail condition imposed against this petitioner/accused in Crl.M.P.No.7483/2019 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 and (2) to furnish to 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 the first petitioner's father and mother was aged person, mother was undergoing treatment and his sister was in Andhra Pradesh. The second petitioner father is no more and his mother is aged person, his brothers and sisters are no good relation with the second petitioner 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.7483 of 2019 dated 12.04.2019 to report before the respondent police daily at 10.30 a.m. until further orders.

For Petitioners : Mr.P.Ezhiliniyan

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

ORDER

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

2. The learned counsel for the petitioners submitted that while granting statutory bail, the Court cannot impose any onerous condition which virtually becomes incapable of being complied with by the petitioners as a result of which, they are not able to come out on bail. Learned counsel submitted that the first condition imposed by the Court below directing the petitioners to deposit title deeds is onerous and such a condition ought not to have been imposed by the Court below while granting statutory bail. Learned counsel further submitted that the petitioners shall comply with the other conditions imposed by the Court below.

3. Taking into consideration the facts and circumstances of the case and also the fact that an onerous condition cannot be imposed while granting statutory bail and it is well settled by a catena of decisions of this Court. This Court is therefore inclined to interfere with the first condition imposed by the Court below, directing the petitioners to deposit title deeds. The said condition is set aside. All the other conditions imposed by the Court below shall stand as it is.

4. The order passed by the Court below is modified to the extent indicated above and the Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

rsi/ssr

To

1. The Metropolitan Magistrate's Court
(for CCB & CBCID Metro cases),
Egmore, Chennai - 8
2. The Principal Sessions Judge,
Chennai.

WEB COPY

3. The Inspector of Police,
Central Crime Branch,
Fake Passport Wing, Team XXXII,
Vepery, Chennai - 600 007.

4. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.12513 of 2019

PPA(CO)
CS/20/05/2019



WEB COPY