

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2019

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.12773 of 2019

P.Karthick

... Petitioner/Accused

Vs.

The Inspector of Police,
M-5, Ennore Police Station,
Chennai.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr. PC to modify the order "The petitioner also directed to deposit a sum of Rs.50,000/- towards damage before the concerned judicial magistrate in respect of Crime No.163 of 2019 on the file of the Respondent Police" passed by the Learned Principal District and Sessions Judge at Thiruvallur by order dated 25.04.2019 passed in the above Crl.M.P.No.1979 of 2019 connected with Crime No. 163 of 2019.

For Petitioner : M/s.M.Illiyas

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

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

2. The Court below while imposing several conditions, also imposed the condition that the petitioner should deposit a sum of Rs.50,000/-.

3. The learned counsel for the petitioner submitted that while granting bail, the Court should not normally insist for cash deposit unless the same is warranted on the facts of the case. In order to substantiate his submissions, the learned counsel relied upon the judgement of this Court reported in 2017 (3) CTC Page 291 (Sagayam @ Devasagayam v. The State of Tamilnadu). The learned counsel therefore submitted that due to the onerous condition imposed by the court below, the petitioner in spite of being granted bail, is not able to come out on bail

due to non-compliance of the condition.

4. The learned Additional Public Prosecutor submitted that the Court below has taken into consideration the fact that two motor bikes were burnt and it was mischief done by the petitioner and therefore the damage caused by the petitioner was huge and hence, he has been directed to be deposit the amount before the Court below. Therefore, there is no ground for interfering with the condition imposed by the Court below.

5. This Court has carefully considered the submissions made on either side. The complaint proceeds on the basis that there was a previous enmity between the petitioner and the defacto complainant and that it is the petitioner, who should have caused the damage to the two wheeler by setting it on fire. This is an issue which is a subject matter of investigation and it will be revealed only at the end of the investigation. Therefore, directing the petitioner to deposit a sum of Rs.50,000/- at the stage of granting bail, in the considered view of this Court, is onerous. The guidelines given in the judgment relied upon by the learned counsel for the petitioner will squarely apply to the facts of the present case.

6. In view of the above, this Court interferes with the condition imposed by the Court below, directing the petitioner to deposit a sum of Rs.50,000/- towards damages. The said condition is set aside. The other conditions imposed by the Court below shall stand as it is.

7. In the result this Criminal Original Petition is allowed.

s/d-
Assistant Registrar(V.O)

True Copy

Sub-Assistant Registrar

ssr/rsi

To

1. The Principal District and Sessions Judge,
Thiruvallur.
2. The Inspector of Police,
M-5, Ennore Police Station,
Chennai.

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3. The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.M.Illiyas, Advocate sr 43592.

Cr1.OP No.12773 of 2019

VGII (CO)

SP(10/05/2019)



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