

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2019

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.Nos.13664 to 13668 of 2019

Daniel Raj

... Petitioner/Accused in
Crl.OP's 13664, 13665,
13667, 13668 of 2019

Darwin Christopher

... Petitioner/Accused in
Crl.OP 13666 of 2019

Versus

The State represented by,
The Inspector of Police,
Central Crime Branch,
EDF-1, Team II, Chennai.
(in Crime Nos.492, 271 of 2018)

... Respondent in
Crl.OP's 13664, 13665 of 2019

The State represented by,
The Inspector of Police,
Central Crime Branch,
Job Racket Wing, Team IX, Chennai.
(in Crime Nos.161, 495, 161 of 2018)

... Respondent in
Crl.OP's 13666, 13667, 13668 of 2019

COMMON PRAYER: Criminal Original Petitions filed under Section 439(1)(b) of the Code of Criminal Procedure, 1973, to modify the condition imposed on the petitioner by the learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai 8 in Crl.M.P.Nos.4847, 4848, 5064, 5067, 5062 of 2019 dated 30.04.2019, 30.04.2019, 07.05.2019, 07.05.2019, 07.05.2019 respectively.

For Petitioner : Mr.D.Dayalan
in all Crl OP's

For respondent Mr.C.Raghavan,
Government Advocate (Crl. Side)
in all Crl OP's

COMMON ORDER

These petitions have been filed seeking to modify the condition imposed on the petitioner by the learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai 8 in CrI.M.P.Nos.4847, 4848, 5064, 5067, 5062 of 2019 dated 30.04.2019, 30.04.2019, 07.05.2019, 07.05.2019, 07.05.2019 respectively.

2.The learned counsel for the petitioner has submitted that the petitioner was arrested and remanded to Judicial custody on 22.02.2019 for the alleged offence under Section 420 of IPC. He further submitted that since the respondent police did not file charge sheet within the time, the learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai by the order dated 30.04.2019 and 07.05.2019 had granted statutory bail to the petitioner under Section 167(2) Cr.P.C, but in the said order, the learned Metropolitan Magistrate had imposed the following conditions:

- "1.The petitioner shall deposit title deed worth Rs.5 lakhs before this Court and the title deed stands in the name of his own, friends or relatives.
- 2.The petitioner shall execute a bond for Rs.10,000/- on his own along with two other sureties the like sum tot he satisfaction of this Court. One among the surety shall be a blood relative of the accused and other shall be a Government Servant.
- 3.That the accused shall appear the sign before the respondent police daily at 10.00 a.m and 5.00 p.m until further orders."

He further submitted that the petitioner is not having capacity to produce title deed worth Rs.5 lakhs and also he is not able to produce blood relative and Government Servant as sureties and therefore he requests to modify the aforesaid two conditions. He further submitted that already this Court in CrI.O.P.No.2891 of 2017 by the order dated 24.04.2017 had issued a directions to the Subordinate Court that while granting bail, the Subordinate Court should not insist the accused to produce blood surety.

3.The learned Government Advocate (CrI. Side) has submitted that he leave it to the decision of the Court.

4.This Court is of the view that the conditions imposed by the concerned Metropolitan Magistrate that the petitioner shall deposit the title deed worth Rs.5 lakhs appears to be onerous and also it is difficult for the petitioner to produce blood surety and Government Servant as surety and hence the aforesaid two conditions are modified and that the concerned Metropolitan Magistrate is directed to release the petitioner on bail by executing a bond for a sum of Rs.10,000/- and with two sureties

for like sum to his satisfaction. The third condition is not disturbed.

5. With the above said modification, these Criminal Original Petitions are disposed of.

Sd/-
Assistant Registrar (V.O)

//True Copy//

Sub Assistant Registrar

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To

1. The learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai - 8.
2. The Inspector of Police, Central Crime Branch, EDF-1, Team II, Chennai.
3. The Inspector of Police, Central Crime Branch, Job Racket Wing, Team IX, Chennai.
4. The Chief Metropolitan Magistrate, Egmore, Chennai.
5. The Public Prosecutor, High Court, Madras.

+5ccs to Mr.D.Dayalan, Advocate, S.R.Nos.44217 to 44221

Crl.O.P.Nos.13664 to 13668 of 2019

RV(CO)

RRS (28/05/2019)

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