

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.14652 of 2019

Madhan Bagh

.. Petitioner/Accused

Vs

State rep by,
Inspector of Police,
AWPS, Erode,
Crime No.13/2018

..Respondent/ Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C. to modify the condition in C.M.P.No.276 of 2018 order dated 24.10.2018, that one surety should produce a sum of Rs.100000/- worth immovable property.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.M.Mohamed Riyaz
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 statutory bail to the petitioner wherein apart from imposing other conditions, one of the sureties was directed to be executed for a sum of Rs.1,00,000/- of immovable property.

2.The learned counsel for the petitioner submitted that while considering the statutory bail petition, the Court below ought not to have imposed such as onerous condition and the same is against the settled principle of law. The learned counsel further submitted that since the petitioner is not in a position to comply with the said condition, inspite of grant of the bail, the petitioner continuous to suffer incarceration.

3.Heard the learned Additional Public Prosecutor appearing on behalf of the respondent Police.

4.The Court below was considering a statutory bail and it is a settled principle of law that while considering the statutory

bail, the Court has to satisfy itself only with the fact as to whether the accused is offering a bail and apart from that no other onerous conditions can be imposed on the accused person. The condition imposed by the Court below directing production of one surety for a sum of Rs.1,00,000/- worth of immovable property is certainly onerous and the petitioner is not in a position to comply with the same.

5. Therefore, the condition imposed by the Court below has to be necessarily interfered by this Court.

6. This Criminal Original Petition is disposed of by modifying the condition to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties for a like sum. The other conditions imposed by the Court below shall stand as it is.

vs/rna

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

To

1. The Additional District and Sessions Judge, Mahila Court, Erode.
2. The Inspector of Police, AWPS, Erode.
3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.K.Sudhakar, Advocate, SR.No.46739/19

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Kak(11/06/2019)