

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.14667 of 2019

Karthik

... Petitioner

Vs

The State Rep. By
Inspector of Police,
Mannargudi Taluk Police Station,
Tiruvarur District.
Crime No.44 of 2019

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C. to modify the condition that the petitioner shall deposit a sum of Rs.15,000/- before the respondent police in Crime No.44 of 2019 imposed in Order dated 29.04.2019 in CrI.M.P.No.846 of 2019 on the file of the learned Principal District and Sessions Court, Tiruvarur.

For Petitioner : Mr.Lakshmipathy .D

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 wherein the Court below while granting the anticipatory bail to the petitioner had imposed the condition to the effect that the petitioner shall deposit a sum of Rs.15,000/- before the respondent Police.

2.The learned counsel for the petitioner submitted that the F.I.R. itself has been registered for an offence under Sections 294(b), 323 and 506(i) of I.P.C. The learned counsel further submitted that eventhough initially the offence under Section 379 of I.P.C. was included in the F.I.R., it was subsequently deleted. Therefore, the offence of robbery does not arise for consideration. Under such circumstances, the learned counsel submitted that the Court below ought not to have imposed an onerous condition to the effect that the petitioner should deposit a sum of Rs.15,000/-. The learned counsel also submitted

that insisting for cash security as a condition should be resorted only in rare cases and should not be made as a condition in every case, more particularly where the present case has been registered for the offence under Sections 294(b), 323 and 506(i) of I.P.C.

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

4.Admittedly, the F.I.R. has been registered only for the offence under Section 294(b), 323 and 506(i) of I.P.C. and the Court below has taken into consideration the fact that the injured person has been discharged. Under such circumstances, the Court below ought not to have imposed the condition of cash deposit and in the considered view of this Court, the said condition is onerous and the same requires interference.

5.In view of the above, the condition No.2 imposed by the Court below wherein the petitioner was directed to deposit a sum of Rs.15,000/- is hereby set aside. The other conditions imposed by the Court below shall stand as it is.

6.In the result, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vs/rna
To

1.The Principal District and Sessions Court,
Tiruvarur.

2.The Inspector of Police,
Mannargudi Taluk Police Station,
Tiruvarur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Lakshmipathy, Advocate Sr.47003

Cr1.O.P.No.14667 of 2019

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srg 12/06/2019