

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.15678 of 2019

Mohanraj

..Petitioner /Accused

Vs.

State Rep. by
Inspector of Police,
Central Crime Branch, EDF-I
Team II, Vepery,
Chennai.

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the condition imposed in the order passed in Cr1.MP No.5375 of 2019 dated 15.05.2019 on the file of CCB & CB CID Metropolitan Magistrate, Egmore, Chennai in Crime No.137 of 2015.

For Petitioner : Mr.U.Yuvaraj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for modification of the condition imposed by the Court below while granting statutory bail to the petitioner.

2. The petitioner was arrested and remanded to judicial custody for an offence under Section 406, 420 of IPC r/w 34 of IPC. Since the final report was not filed within the statutory period, the petitioner filed a petition under Section 167 (2) Cr.PC seeking for statutory bail.

3. The Court below allowed the said petition subject to certain conditions. The petitioner is aggrieved by the condition imposed by the Court below, wherein the petitioner has been directed to deposit a sum of Rs.5,00,000/- (Rupees five

lakhs only) to the credit of Crime No.137 of 2015.

4. The learned counsel for the petitioner submitted that while considering a statutory bail under Section 167(2) of Cr.PC, the Court below cannot impose such a onerous condition and therefore, the 1st condition imposed by the Court below insisting for a cash deposit of Rs.5,00,000/- (Rupees five lakhs only) requires interference of this Court.

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

6. It is now a settled law that when a Court considers a statutory bail, onerous condition cannot be imposed and the Court has to satisfy itself with the only requirement as to whether the accused person is prepared to furnish bail. Useful reference can be made to the Judgement of this Court in 2019 1 LW(Crl.) 387 [Umadevi Vs. The State Rep. by the Inspector of Police, EOW II, Coimbatore]. Therefore, the condition imposed by the Court below insisting for cash deposit of Rs.5,00,000/- requires interference and since the petitioner is not in a position to comply with the said condition, he is not come out on bail till today.

7. In the result, the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) to the Credit of Crime No.137 of 2015 is hereby set aside and accordingly, the condition imposed by the Court below is modified and other conditions imposed by the Court below shall stand as it is.

8. Accordingly, this Criminal Original petition is allowed.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

rka/msrm

To

1. The learned Magistrate,
CCB, CB CID Metropolitan Magistrate, Egmore, Chennai.

2. State Rep. by
Inspector of Police,
Central Crime Branch, EDF-I
Team II, Vepery,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

+lcc to Mr.U.Yuvaraj, Advocate SR.No.49822

CrI.O.P.No.15678 of 2019

PMS (CO)
GMY (20/06/2019)



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