

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.15244 of 2019

Santhosh Banerjee

..Petitioner/Petitioner/Accused

Vs.

State by Inspector of Police,
Central Crime Branch,
Bank Fraud Prevention Wing,
Team XXXI, Chennai,

...Respondent / Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the condition imposed on them by the Court of the CCB, CB CID Metropolitan Magistrate, Egmore, Chennai to the effect that the petitioner shall furnish surety from his blood relation and not to insist upon him to furnish Government Servant surety and deposit of the said sum of Rs.5,00,000/- (Rupees five lakhs only) the surieties as per the order of the lower Court dated 31.05.2019 made in Cr1.MP No.6016 of 2019.

For Petitioner : Mr.V.Veluchamy

For Respondents: 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 419, 420, 465, 468, 471 IPC and Section 43 r/w 66 IT Act. 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.356 of 2018.

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/- requires interference of this Court.

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

5. It is now settled law that when a Court considers a statutory bail, onerous condition cannot be imposed and 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 has not come out on bail till today.

6. In the result, the 1st condition imposed by the Court below directing the petitioner to deposit a sum of Rs.5,00,000/- to the Credit of Crime No.356 of 2018 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.

7. Accordingly, this Criminal Original petition is allowed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Central Crime Branch,
Bank Fraud Prevention Wing,
Team XXXI, Chennai.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.V.Veluchamy, Advocate, S.R.No.48778

Crl.O.P.No.15244 of 2019

KK (CO)

RRS (17/06/2019)



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