

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16424 of 2019

Dhanasekar

..Petitioner /Petitioner/Accused

Vs.

State Rep. by
The Assistant Commissioner of Police,
Chennai Crime Branch,
Egmore, Chennai

..Respondent/Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the condition in respect of the deposit of Rs.2,00,000/- imposed in Crl NP.No.11226 of 2017 dated 31.07.2017 by the learned Principal Sessions Judge, Chennai while granting bail to the petitioner and direct the learned Metropolitan Magistrate (for Exclusive Trial of CCB cases relating to cheating cases in Chennai and CBCID Metro cases), Chennai, to return the said sum.

For Petitioner : Mr.Elangovan K

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

ORDER

This petition has been filed seeking to modify the condition imposed by the Court below while granting bail to the petitioner.

2. The respondent police registered an FIR in Crime No.173

of 2017 for an offence under Section 465, 467, 468, 471, 474, 420 of IPC and Section 12(1) (d) of the Passport Act 1947. The petitioner was arrayed as one of the accused in the case. The petitioner was arrested and remanded to judicial custody and the petitioner filed a petition for bail before the Court below.

3. The Court below after considering the facts and circumstances of the case by an order dated 31.07.2017 granted bail to the petitioner by imposing certain conditions. One of the condition that was imposed by the Court below was that the petitioner should deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the Credit of Crime No.173 of 2017. This condition has been put to challenge before this Court. However, in order to come out on bail, the petitioner had deposited this amount.

4. The learned counsel for the petitioner submitted that the Court below ought not to have imposed such a onerous condition and directing cash deposit as a condition should not be made in a routine manner except where a case warrants such a deposit. The learned counsel further submitted that the petitioner has three daughters and he has already arranged for the marriage of one of the daughter and he requires this amount for the purpose of utilising the same towards marriage expenditure.

5. The learned Additional Public Prosecutor on instructions submitted that the investigation has been completed and the respondent police will be filing the final report any time. The learned counsel further submitted that the petitioner has complied with all the other conditions imposed by the Court below at the time of granting bail.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the present case does not warrant deposit of cash security, this Court interferes with the condition imposing cash deposit on the petitioner. The said condition is hereby set aside and the petitioner is permitted to withdraw the sum of Rs.2,00,000/- (Rupees two lakhs only) deposited by him in Crime No.173 of 2017.

7. This Criminal Original Petition is disposed of accordingly.

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28.06.2019

Index : Yes / No

Internet : Yes / No

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Note : Issue order copy on 01.07.2019

N.ANAND VENKATESH.,J
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To

1. The Principal Sessions Judge, Chennai
2. The Metropolitan Magistrate
(for Exclusive Trial of CCB cases relating
to cheating cases in Chennai and CBCID Metro cases),
Chennai
3. The Public Prosecutor,
High Court of Madras.



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