

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16686 of 2019

R.Mohammed Kasim

..Petitioner / Accused No.1

Vs.

State by Inspector of Police,
CCB Branch,
Team 9 A, EDF II,
Chennai

..Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the condition that (a) the accused shall deposit a sum of Rs.25 lakhs to the credit of Crime No.13 of 2019 (b) The petitioner shall execute a bond for Rs.10,000/- on his along with two other sureties for the like sum to the satisfaction of this Court. One among the surety shall be blood relative of the accused and other shall be a Government Servant (c) That the accused shall appear the sign before the respondent police daily at 10.00 am and 5.00 pm until further orders.

For Petitioner

: Mr.M.Karthik

For Respondent

: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

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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 Sections 406, 420, 465, 468, 471 r/w 120(b) 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.25,00,000/- (Rupees twenty five lakhs only) to the credit of Crime No.13 of 2019.

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 condition imposed by the Court below insisting for a cash deposit of Rs.25,00,000/- (Rupees twenty 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.25,00,000/- requires interference and since the petitioner is not in a position to comply with the said condition, they are not come out on bail till today.

7. In the result, the condition imposed by the Court below directing the petitioner to deposit a cash for a sum of Rs.25,00,000/- (Rupees twenty five lakhs only) to the Credit of Crime No.13 of 2019 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.

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8. Accordingly, this Criminal Original petition is allowed.

01.07.2019

Index : Yes / No

Internet : Yes / No

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To

Note : Issue order copy on 01.07.2019

1. The Special Magistrate Court,
CCB, CB CID cases, Egmore, Chennai.
2. State by Inspector of Police,
CCB Branch,
Team 9 A, EDF II,
Chennai
3. The Public Prosecutor,
High Court of Madras.

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