

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16768 of 2019

K.C.Mohankumar

..Petitioner /Petitioner/
Accused No.1

Vs.

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

..Respondent/Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the order dated 02.05.2019 passed by the Hon'ble the CCB CBCID Metropolitan Magistrate, Chennai in Crl.MP.No.4893 of 2019 and permit the petitioner to comply the other conditions imposed by the Hon'ble CCB & CBCID Metropolitan Magistrate, Chennai in Crl MP No.4893 of 2019.

For Petitioner : Mr.K.Bommuraj

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

ORDER

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 , 506(i) 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 title deed worth Rs.5,00,000/- (Rupees five lakhs only) to the credit of Crime No.262 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 condition imposed by the Court below insisting for a title deed deposit worth 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 title deed deposit worth 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 title deed worth Rs.5,00,000/- (Rupees five lakhs only) to the Credit of Crime No.262 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.

N.ANAND VENKATESH.,J

rka

8. Accordingly, this Criminal Original petition is allowed.

28.06.2019

Index : Yes / No

Internet : Yes / No

rka/msrm

To

Note : Issue order copy on 28.06.2019

1. The learned Magistrate,
CCB, CB CID Metropolitan Magistrate, Egmore, Chennai.
2. State Rep. by
Inspector of Police,
Central Crime Branch,
EDF - I, Team - I,
Chennai
3. The Public Prosecutor,
High Court of Madras.

WEB COPY

Crl.O.P.No.16768 of 2019

28.06.2019