

Crl.M.P.No.10975 of 2019 and
Crl. OP No.17331 of 2019

N.ANAND VENKATESH.,J

This petition has been filed seeking for modification of the order passed in Crl.OP No.17331 of 2019 dated 05.07.2019.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, Paragraph 7(a) shall be modified as follows

:-

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"The petitioner is directed to execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum, out of which one surety shall be a Government Servant and the other conditions shall stand as it is."

N.ANAND VENKATESH.,J

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4. This Criminal Miscellaneous petition is disposed of with the above directions.

31.07.2019

Note : Issue order copy on 06.08.2019

Crl.M.P.No.10975 of 2019 and

Crl. OP No.17331 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17331 of 2019

Vinayaga Achariya

...Petitioner

Vs.

State rep.by Inspector of Police,
Central Crime Branch, EDF-II, Team IX-A
Chennai-600 007.
Crime No.503 of 2018.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the condition by the learned Court of Session's at chennai by its order dated 22.05.2019 in Crl.M.P.No.9418 of 2019 in CCB Crime No.503 of 2019.

For Petitioner :Mr.Palaninathan

For Respondents :Mr.M.Mohammed Riyaz
Additional Public prosecutor

ORDER

सत्यमेव जयते

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

2. The petitioner was arrested and remanded to judicial custody by the respondent police for an offence under

<http://www.judis.nic.in> Sections 406 & 420 of IPC. Since the charge sheet was not filed

within time, the petitioner filed a petition under Section 167(2) of Cr.PC seeking for statutory bail. The statutory bail was granted by the learned CCB & CBCID, Metropolitan Magistrate Court, Egmore, Chennai by imposing the following conditions :-

[i] The petitioner shall deposit title deed worth Rs.5 lakhs before this Court and the title deed stands in the name of his own friends or relatives.

[ii] The petitioner shall execute a bond for Rs.10,000/- of his own along with two other sureties for the likesum to the satisfaction of this Court. One among the surety shall be a blood relative of the accused and other shall be a Government Servant.

3. The petitioner aggrieved by the conditions imposed by the Court below approached the Sessions Court seeking for modification. The Sessions Court passed an order dated 22.05.2019 by modifying the conditions as follows :-

[a] Instead of one Government Surety, the petitioner is directed to produce two sureties for a sum of Rs.10,000/- to the satisfaction of the Metropolitan Magistrate for CCB and CBCID cases,

Egmore, Chennai.

[b] Further the petitioner is directed to produce title deeds worth Rs.10,00,000/- instead of Rs.5,00,000/-

4. The learned counsel for the petitioner submitted that the Sessions Court instead of modifying the condition, has virtually increased the value of the Title Deed to be produced by the petitioner and thereby, an onerous condition has been imposed while considering the statutory bail petition. The learned counsel further submitted that such a condition cannot be imposed by the Court, while considering a bail under Section 167(2) of Cr.PC.

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 persons are 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 deposit of title deed worth Rs.10,00,000/- requires interference. Since the petitioner is not in a position to comply with the said condition, he is not bale to come out on bail till today.

7. In view of the above, the condition imposed by the Court below is modified as follows :-

(a) The petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum and out of which, one surety shall be a blood relative.

(b) The condition imposed insofar as the insisting for deposit of title deed is concerned, is hereby set aside.

(c) The other conditions imposed by the Court below shall stand as it is.

8. Accordingly, this Criminal Original petition is disposed of.

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Note: Issue order copy today (05.07.2019)

To

1. The Sessions Court,
Chennai.
2. The CCB CBCID,
Metropolitan Magistrate Court,
Egmore, Chennai
3. State rep.by Inspector of Police,
Central Crime Branch, EDF-II, Team IX-A
Chennai-600 007.
4. The Public Prosecutor,
High Court, Madras.



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