

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :12.07.2019
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No.17812 of 2019

Daniel Raj ... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Central Crime Branch,
E.D.F-1, Team-II, Chennai.
(Crime No.492 of 2018)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. to modify the condition No.3 imposed on the petitioner by the learned C.C.B & C.B.C.I.D, Metropolitan Magistrate, Egmore, Chennai-8 in Crl.M.P.No.4847 of 2019 on 30.04.2019.

For Petitioner : Mr.D.Vijayababu

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition is filed to modify the condition No.3 imposed on the petitioner by the learned C.C.B & C.B.C.I.D, Metropolitan Magistrate, Egmore, Chennai-8 in Crl.M.P.No.4847 of 2019 on 30.04.2019.

2. The case of the prosecution is that the petitioner and other accused persons gave false promise to arrange Government job and received a sum of Rs.75 lakhs, subsequently they were not arranged the job and not returned the amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 22.02.2019 by the respondent police. Further he would submit that, the petitioner was detained after the statutory period of 68 days and therefore, he filed a petition for the grant of statutory bail under Section 167(2) Cr.P.C. The learned C.C.B & C.B.C.I.D, Metropolitan Magistrate, Egmore, Chennai-8 was pleased to grant bail to the petitioner by an order dated 30.04.2019. However, while ordering bail to the petitioner, the learned Magistrate, imposed certain conditions as follows :-

" 1.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.

2.The petitioner shall execute a bond for Rs.10,000/- on his own along with two sureties for the like sum 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 shall appear and to sign before the respondent police daily at 10.30 a.m. and 5.00 p.m., until further orders".

The learned counsel for the petitioner would further submit that while the petitioner was enlarged on statutory bail under Section 167(2) Cr.P.C., no condition can be imposed and it is onerous and stringent. Therefore, he prays to modify the conditions imposed, while he was granted bail.

4. Per contra, the learned Additional Public Prosecutor would submit that the petitioner is an accused in Crime No. 492 of 2018 registered under Section 420 of IPC. She would further submit that in 1st modification petition the 1st condition to deposit title deed worth Rs.5 lakhs before this Court has been deleted and the petitioner filed the 2nd petition for modification of 3rd condition "to appear and sign before the respondent police daily at 10.00 a.m., and 5.00 p.m. until further orders" has been modified as "to report before the respondent police fifteen days once i.e., on first day at 5.00 p.m., for a period of four weeks". However, the petitioner did not comply the condition and now came with 3rd modification petition. Therefore, she vehemently opposed to modify the condition imposed by the Court below.

5. Heard Mr.D.Vijayababu, learned Counsel appearing for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondent.

6. It is seen that the petitioner is an accused in Crime No.492 of 2018 registered under Section 420 of IPC. Considering, the above facts and circumstances of this case and also the submissions made by the learned Additional Public Prosecutor,

this Court does not find any merits in this petition and not inclined to modify the condition. Accordingly this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1.The C.C.B & C.B.C.I.D, Metropolitan Magistrate,
Egmore, Chennai-8.

2.The Inspector of Police,
Central Crime Branch,
E.D.F-1,Team-II, Chennai.
(Crime No.271 of 2018)

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P. No.17812 of 2019

nr 07/08/2019