

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18745 of 2019

Bharathi @ Padmanaban

...Petitioner

-Vs-

The Inspector of Police,
Kanakamma Chatram Police Station,
Kanakamma Chatram,
Thiruvallur District.

... Respondent

(Crime No.195 of 2019)

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the condition to deposit Rs.1,08,000/- imposed by the learned Principal District and Sessions Judge, Tiruvellore in Crl.M.P.No.3131 of 2019 dated 04.07.2019, while granting Anticipatory Bail.

For Petitioner : Mr.Sunder Mohan

For Respondent : Mr.M.Mohamed Riyaz, APP

ORDER

This Criminal Original Petition has been filed challenging the condition imposed by the Court below while granting anticipatory bail to the petitioner.

2.The respondent Police registered an FIR in Cr.No.195 of 2019 against the petitioner for an offence under Section 447, 420 & 506(ii) IPC. The petitioner apprehending arrest filed a petition seeking for anticipatory bail before the Court below.

3.The Court below after hearing the petitioner and also the counsel for the de facto complainant, had granted anticipatory bail by imposing certain conditions. One of the conditions imposed by the Court below is that the petitioner should deposit a sum of Rs.1,08,000/ to the credit of Cr.No.195 of 2019. This condition has been
due to challenge before this Court.

4.The learned counsel for the petitioner submitted that the Court below went wrong in imposing a condition of cash deposit against the petitioner and the facts of this case does not warrant such a condition to be imposed by the Court below. The learned counsel for the petitioner further submitted that the condition is onerous and the Court below went wrong in imposing a onerous condition against the petitioner.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that the Court below took into consideration the facts and circumstances of the case and had imposed such a condition and there is no ground to interfere with the same.

6.Taking into consideration the facts and circumstances of the case, this Court is of the considered view that the Court below ought not to have imposed cash security as a condition for granting anticipatory bail in favour of the petitioner. The facts of this case does not warrant imposition of such a condition. Therefore, this Court has to necessarily interfere with the condition of cash deposit imposed by the Court below.

7.In the result, the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.1,08,000/- in Cr.No.195 of 2019, is set aside. The other conditions imposed by the Court below shall stand as it is.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Inspector of Police,
Kanakamma Chatram Police Station,
Kanakamma Chatram, Thiruvallur District.

2.The Principal District and Sessions Judge,
Tiruvellore.

3.The Public Prosecutor,High Court, Madras.

+1cc to Mr. Sunder Mohan , Advocate SR.No. 60113

CrI.O.P.No.18745 of 2019

A.SK(17/07/2019)