

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.18830 of 2019

1.Venkatesan

2.Mohanakrishnan

..Petitioners

Vs.

State: Inspector of Police,
Central Crime Branch,
Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the conditions imposed in CrI.M.P.No.6563 of 2019 by the learned CCB and CBCID Metropolitan Magistrate, Egmore in Crime No.58 of 2019 on the file of the Inspector of Police, Central Crime Branch, Egmore at Chennai.

For Petitioners: Mr.C.C.Chellappan

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

O R D E R

This petition has been filed seeking for modification of the condition imposed by the Court below while granting statutory bail to the petitioners.

2. The petitioners were arrested and remanded to judicial custody for an offence under Sections 406, 419, 420, 467, 468, 471 of I.P.C. r/w Section 66A of IT ACT 2008. Since the final report was not filed within the statutory period, the petitioners filed a petition under Section 167 (2) Cr.P.C. seeking for statutory bail.

3. The Court below allowed the said petition subject to certain conditions. The petitioners are aggrieved by the condition imposed by the Court below, wherein the petitioners have been directed to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) to the credit of Crime No.58 of 2019.

4.The learned counsel for the petitioners submitted that while considering a statutory bail under Section 167(2) of Cr.P.C., 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.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 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 cash deposit of Rs.5,00,000/- requires interference and since the petitioners are 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 petitioners to deposit a cash for a sum of Rs.5,00,000/- (Rupees five lakhs only) to the Credit of Crime No.58 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.

8.Accordingly, this Criminal Original petition is allowed.
vs/jas

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The CCB and CBCID Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
Central Crime Branch,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.C.Chelappan, Advocate, SR.No.60617

Crl.O.P.No.18830 of 2019

Kak(18/07/2019)