

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.18946 of 2019

R.Akilan

...Petitioner/Accused

Vs.

The Inspector of Police (Crime),
R-3, Ashok Nagar Police Station,
Chennai.

In Cr.No.195 of 2019.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the condition imposed in para No.6(b) petitioner shall also deposit a sum of Rs.2,00,000/- in Crime No.195 of 2019 in order dated 26.06.2019 passed in CrI.M.P.No.11425 of 2019 on the file of this Court.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed challenging the conditions 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 for an offence under Sections 406, 420 and 506(i) of IPC. The petitioner apprehending arrest filed an Anticipatory Bail petition before the Court below. The Court below after considering the entire facts and circumstances of the case, was pleased to grant Anticipatory bail to the petitioner by imposing certain conditions. The petitioner is aggrieved by condition (b) which is extracted hereunder:-

"(b) The petitioner shall also deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of the crime no.195/2019 before the said court and the final order in respect of the amount will be passed at the end of the criminal proceedings by the trial court."

3.The learned Counsel for the petitioner submitted that the entire dispute is civil in nature and the Court below ought not to have imposed the condition for cash deposit and the said condition is onerous. The learned Counsel submitted that the condition (b) imposed by the Court below therefore requires interference.

4.Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5.Taking into consideration the facts and circumstances of the case, and the nature of dispute between the petitioner and the defacto complainant, this Court is of the considered view that the Court below ought not to have imposed the condition directing the petitioner to make cash deposit. This condition is onerous and it is not required in the facts of the present case.

6.In view of the above, the condition (b) imposed by the Court below is hereby set aside. The other conditions imposed by the Court below shall stand as it is. In the result, this Criminal Original Petition is allowed and the petitioner is directed to surrender before the concerned Court within a period of one week from the date of receipt of copy of this order.

Sd/-

Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

jas/vs

To

1.The Inspector of Police (Crime),
R-3, Ashok Nagar Police Station,
Chennai.

2.The Public Prosecutor,
High Court,
Madras.

Copy To:

1.The Principal Sessions Judge,
Chennai.

2.The XVII Metropolitan Magistrate,
Chennai.

+3ccs to Mr.G.Murugendran, Advocate, S.R.Nos.60657 & 60834

CrI.O.P.No.18946 of 2019

GP (CO)

RRS (18/07/2019)



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