

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.19618 of 2019
in Crl.M.P.No.10047 of 2019

Ankam Tataji

... Petitioner

Vs.

The Inspector of Police,
City Crime Branch,
Salem.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the condition to deposit a sum of Rs.2,00,000/- within 15 days imposed in C.M.P.No.2091 of 2019 in Crime No.7 of 2019, on the file of the Principal Sessions Judge, Salem, dated 11.07.2019.

For Petitioner : M/s.M.Santhanaraman

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed seeking to modify the condition imposed by the Court below, while granting bail to the petitioner.

2. The respondent police have registered an FIR in Crime No.7 of 2019 for an offence under Section 120 (B) and 420 of IPC as against the six named accused persons. The petitioner has been arrayed as A2.

3. The petitioner was arrested and remanded to judicial custody on 26.06.2019. He filed a bail petition before the Court below and the Court below after considering the entire facts of the case, granted bail to the petitioner by imposing certain conditions. One of the condition imposed by the Court below was that the petitioner should deposit a sum of Rs.2,00,000/- to the credit of Crime No.7 of 2019. This condition has now been put to challenge before this Court.

4. The learned counsel for the petitioner submitted that already A1 and A3 approached this Court, seeking for anticipatory bail. This Court granted anticipatory bail to A1 by imposing a condition that he must deposit a sum of Rs.10,00,000/-. This amount is said to have been deposited by A1. Similarly, this Court had imposed the condition, while granting anticipatory bail to A3 to deposit a sum of Rs.1,00,000/-. This amount was also said to have been deposited. The learned counsel for the petitioner submitted that the petitioner had also paid a sum of Rs.10,00,000/- to the defacto complainant through his sister and proof of receipt of the amount was also filed before the Court below. In spite of the same, the Court below had imposed the condition that the petitioner should deposit the sum of Rs.2,00,000/-. The learned counsel submitted that this condition is onerous and the Court below ought not to have imposed such a condition.

5. The learned Additional Public Prosecutor submitted that the Court below had taken into consideration the fact that the total amount for which the defacto complainant has been cheated is a sum of Rs.55,00,000/- and the Court below took into consideration the total amount and has rightly imposed a condition to the petitioner to deposit a sum of Rs.2,00,000/-. The learned counsel submitted that the order of the Court below does not require interference.

6. This Court has carefully considered the submissions made on either side and the materials placed on record.

7. This Court, while granting anticipatory bail to A1 and A3, had imposed a condition to deposit of Rs.10,00,000/- and Rs.1,00,000/- respectively. The petitioner was arrested and he has suffered incarceration for nearly 16 days and the petitioner has also paid a sum of Rs.10,00,000/- to the defacto complainant through his sister. Therefore, the Court below should have taken that into consideration, while imposing conditions to the petitioner, while granting bail.

8. Taking into consideration the facts and circumstances of the case and the fact that the petitioner has already paid a sum of Rs.10,00,000/- to the

defacto complainant, this Court is inclined to interfere with condition No.6(b) imposed by the Court below.

9. In the result, the condition No.6(b) imposed by the Court below, is set aside and all the other conditions imposed by the Court below shall stand as it is. Accordingly, this Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

24.07.2019

Index :Yes/No
Internet:Yes/No
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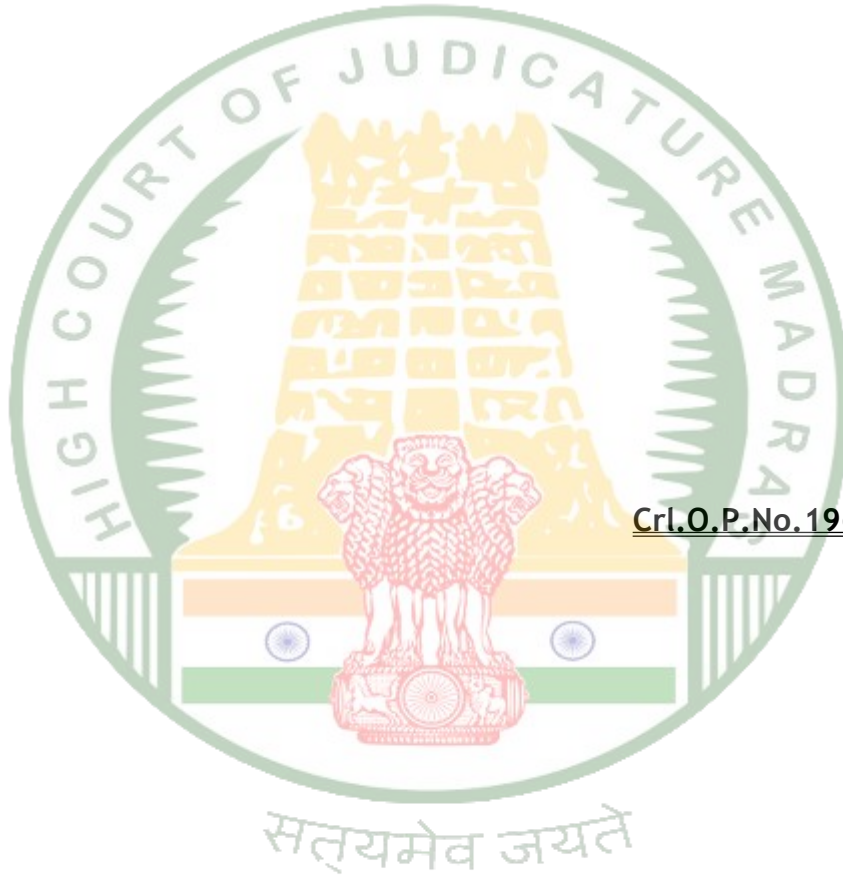
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To

1. The Principal Sessions Judge,
Salem.
2. The Inspector of Police,
City Crime Branch,
Salem.
3. The Public Prosecutor,
High Court, Madras.



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