

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.07.2019

CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20037 of 2019

Swaminathan

..Petitioner/Accused

Vs.

State Rep. by
Inspector of Police,
Central Crime Branch,
Job Racket Team VIII,
Vepery, Chennai-600 007.
CCB & CB CID,
Crime No.515 of 2018

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to modify the condition imposed in the order dated 14.06.2019, passed by the learned Principal Sessions Judge at Chennai in Crl.M.P No.10789 of 2019 in CCB Crime No.515 of 2018.

For Petitioner : Mr.Palaninathan.P

For Respondent : Mr.M.Mohamed 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 petitioner.

2. The petitioner was arrested and remanded to judicial custody for an offence under Section 406, 420 of IPC. Since the final report was not filed within the statutory period, the petitioner filed a petition under Section 167 (2) Cr.PC seeking for statutory bail.

3. The Court below allowed the said petition subject to certain conditions. The petitioner is aggrieved by the condition imposed by the Court below, wherein the petitioner has been directed to deposit title deed worth Rs.5 lakhs stands in the name of the petitioner, his friends or relatives before the Court below.

4.The learned counsel for the petitioner submitted that while considering a statutory bail under Section 167(2) of Cr.PC, the Court below cannot impose such a onerous condition and therefore, the 1st condition imposed by the Court below insisting for deposit of title deed worth Rs.5 lakhs requires interference of this Court. The learned counsel further submitted that the petitioner does not have a blood relative and therefore, the surety will be given by his wife.

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 person is 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 1st condition imposed by the Court below insisting for deposit of title deed worth Rs.5 lakhs requires interference and since the petitioner is not in a position to comply with the said condition, he is not come out on bail till today.

7. In the result, the condition imposed by the Court below directing the petitioner to deposit title deed worth Rs.5 lakhs stands in the name of the petitioner, his friends or relatives before the Court below, is hereby set aside. The 2nd condition imposed by the Court below insisting for one surety to be a blood relative is modified to the extent that one surety shall be the wife of the petitioner and other conditions imposed by the Court below shall stand as it is.

8. Accordingly, this Criminal Original petition is allowed.

सत्यमेव जयते

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1.Principal Sessions Judge,
Chennai

2.The CCB, CBCID Metropolitan Magistrate,
Egmore, Chennai.

3.The Inspector of Police,
Central Crime Branch,
Job Racket Team VIII,
CCB & CB CID,
Vepery, Chennai-600 007.

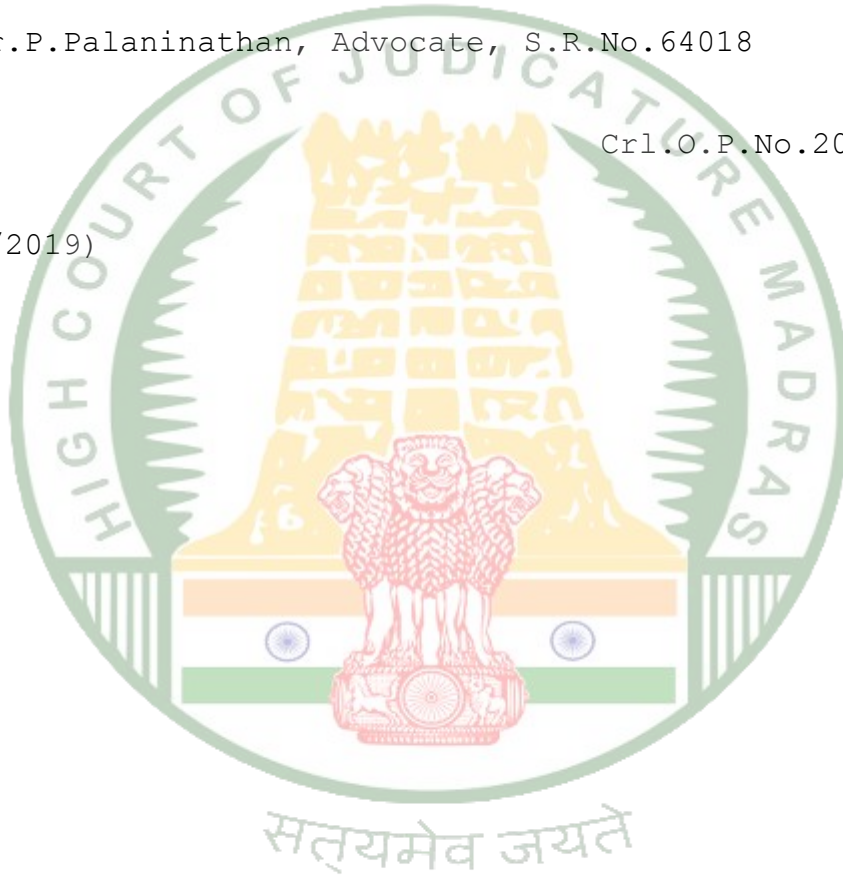
4.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.P.Palaninathan, Advocate, S.R.No.64018

Crl.O.P.No.20037 of 2019

SJ(CO)

RRS (29/07/2019)



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