

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.08.2019
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.20948 of 2019

Gopi (a) Gopikrishnan (a)
Gopalakrishnan ...Petitioner
Vs.

State Rep. by
The Inspector of Police
Central Crime Branch
Chennai.
Crime No.58 of 2019 ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the bail condition that the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs) to the credit of Crime No.58 of 2019 in bail order dated 21.06.2019 in Crl.M.P No.6781 of 2019 passed by the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.C.C. Chellappan
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 the offences under Sections 120B, 406, 419, 420, 467, 468, 471 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 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 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 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 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 condition imposed by the Court below insisting for cash deposit of Rs.5,00,000/- requires interference and since the petitioner is 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 petitioner to deposit 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.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

- 1.The CCB, CB CID Metropolitan Magistrate,
Egmore, Chennai.
- 2.Do thro the Chief Judicial Magistrate, Egmore, Chennai.
3. The Inspector of Police,
Central Crime Branch,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.C.C. Chellappan , Advocate SR.No. 67061

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A.SK(06/08/2019)