

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21236 of 2019

P.Boopathi

... Petitioner/Accused

Vs.

State Rep. by
Inspector of Police,
Central Crime Branch,
Chennai.
(Crime No.58 of 2019)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the order dated 19.06.2019 passed by the learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai, in Crl.M.P.No.6750 of 2019 as the petitioner shall deposit a sum of Rs.5 lakh to the credit of Crime No.58 of 2019.

For Petitioner : M/s.G.Mohana Krishnan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to modify the order dated 19.06.2019 passed by the learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai, in Crl.M.P.No.6750 of 2019 as the petitioner shall deposit a sum of Rs.5 lakh to the credit of Crime No.58 of 2019.

2. The petitioner was arrested and remanded to judicial custody for an offence under Section 406, 419, 420, 467, 468, 471 of IPC r/w Section 66A of IT Act, 2008. 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 1st 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, 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 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

//True Copy//

Sub Assistant Registrar

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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 of Madras.

+lcc to Mr.G.Mohanakrishnan, Advocate, S.R.No. 67311

Crl.O.P.No.21236 of 2019

PPA (CO)
GN(07/08/2019)



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