

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21687 of 2019

M.Johnson

..Petitioner

Vs.

The State represented by
The Inspector of Police, Team XII,
Central Crime Branch,
Egmore, Chennai.Respondent
(Crime No.58 of 2019)

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to set aside the order dated 26.07.2019 made in Crl.M.P.No.13973 of 2019 by the learned Principal Sessions Judge, Chennai, and to modify the condition dated 22.05.2019 in Crl.M.P.No.5648 of 2019 passed by the learned CCB and CBCID Metropolitan Magistrate, Chennai, with regard to the condition "the petitioner is directed to deposit Rs.5,00,000/- to the Credit of Crime No.58 of 2019".

For Petitioners :Mr.V.S.Srikrishnan

For Respondent :Mr.M.Mohammed 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 Sections 120(b), 406, 419, 420, 467 and 471 of I.P.C. Since the final report was not filed within the statutory period, the petitioners filed a petition under Section 167 (2) Cr.P.C. 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.P.C., 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 persons are 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 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-VI)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1.The CCB and CBCID Metropolitan Magistrate,
Egmore, Chennai.

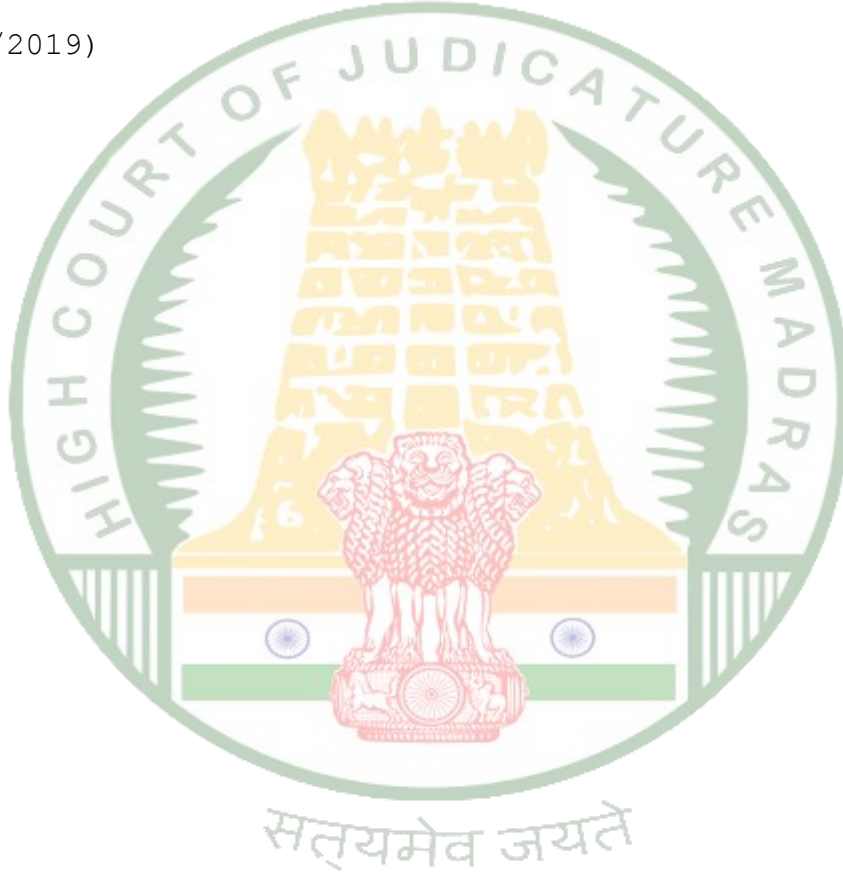
2.The Inspector of Police, Team XII,
Central Crime Branch,
Egmore, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.S.Srikrishnan, Advocate, S.R.No. 68278

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VBA (CO)
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