

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.08.2019
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.22249 of 2019

Suresh

..Petitioner

Vs.

State by:

The Inspector of Police,
Central Crime Branch,
Job Racket, Team IX,
Veppery, Chennai.
(Crime No.161 of 2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the condition imposed in Crl.M.P.No.5281 of 2019 dated 13.5.2019 in so far as deposit of Rs.5,00,000/- to the credit of Crime No.161 of 2018.

For Petitioner :Mr.C.V.Kumar

For Respondent :Mr.M.Mohammed Riyaz
Additional Public prosecutor

O R D E R

This petition has been filed to modify the condition imposed in Crl.M.P.No.5281 of 2019 dated 13.5.2019 in so far as deposit of Rs.5,00,000/- to the credit of Crime No.161 of 2018.

2.The petitioner was arrested and remanded to judicial custody for an offence under Sections 419, 420, 109 and 506(i) of I.P.C. Since the final report was not filed within the statutory period, the petitioner 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.161 of 2018.

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.161 of 2018 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 V)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Central Crime Branch,
Job Racket, Team IX,
Veppery, Chennai.

2.The Public Prosecutor,
High Court, Madras.

3.The CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai-8.

+1cc to Mr.C.V.Kumar, Advocate sr.70726

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nr 20/08/2019