

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21876 of 2019

Vadivelu @ Vadivelu Karuppaiah

.. Petitioner

/versus/

The Inspector of Police,
Central Crime Branch - I, Vepery,
Chennai.
(Crime No.421 of 2018).

.. Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to modify the condition imposed against the petitioner that the petitioner shall also deposit a sum of Rs.10,00,000/- (Rupees ten lakhs only) to the credit of the Crime No.421 of 2018 before the Metropolitan Magistrate for exclusive trial of CCB and CBCID Cases, Chennai in Crl.M.P.No.15307 of 2019, by the Principal Sessions Judge, Chennai, dated 08.08.2019, in Crime No.421 of 2018, on the file of the respondent.

For Petitioners

:M/s.P.N.Vignesh

For Respondent

:Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the condition imposed by the Court below, while granting bail to the petitioner.

2. The petitioner was arrested by the respondent police in the course of the investigation in Crime No.421 of 2018 for an offence under Section 420 of IPC. The petitioner was remanded to judicial custody on 24.06.2019. The petitioner filed the bail petition before the Court below.

3. The Court below after considering the facts and circumstances of the case and after being *prima facie* satisfied that the entire dispute arose out of business transaction between the petitioner and the defacto complainant, was pleased to grant bail to the petitioner by imposing certain conditions.

4. The petitioner is aggrieved by the condition, wherein the petitioner was directed to deposit a sum of Rs.10,00,000/- to the credit of Crime No.421 of 2018.

5. The learned counsel for the petitioner submitted that the Court below, after coming to a *prima facie* conclusion that the dispute arose out of a business transaction, ought not to have imposed such an onerous condition by insisting for cash deposit by the petitioner. The learned counsel submitted that the facts of this case did not warrant imposition of such a condition.

6. The learned Additional Public Prosecutor appearing on behalf of

the respondent police submitted that the Court below has given sufficient reasons for directing the petitioner to deposit the amount and that there is no ground to interfere with the same.

7. Taking into consideration the facts and circumstances of the case and also of the fact that the entire dispute arose out of a business transaction and the petitioner has admittedly paid a substantial amount, which is due and payable by him to the defacto complainant, this Court is of the considered view that condition (a) imposed by the Court below, directing the petitioner to deposit a sum of Rs.10,00,000/- is onerous and is unwarranted in the facts of the present case.

8. In the result, the condition (a) imposed by the Court below, is hereby set aside. The other conditions shall stand as it is. Accordingly, this Criminal Original Petition is allowed.

15.08.2019

Index : Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Orderub

Note: Issue order copy on 14.08.2019.

N.ANAND VENKATESH, J.
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To

1.The Metropolitan Magistrate for exclusive trial of CCB and CBCID Cases,
Chennai.

2.The Principal Sessions Judge, Chennai.

3.The Inspector of Police,
Central Crime Branch - I, Vepery,
Chennai.

4.The Public Prosecutor,
High Court of Madras.



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