

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.08.2019

CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.22890 of 2019

1. Ramesh

2. Ramachandran

3. Manikandan

..Petitioners

Vs.

The State Represented by
The Inspector of Police,
Chengalpattu Taluk Police Station,
Kanchipuram.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to modify the onerous conditions imposed on the petitioners in Crl.M.P.No.6884 of 2019 is that (i) The petitioners/accused shall execute a bond for R.1,00,000/- with two sureties each for the like sum of the satisfaction of Court. Solvency certificate from the Tasildhar required as amount involved in huge, (ii) The petitioners shall deposit a copy of the documents worth Rs.5,00,000/- either by him or through the sureties passed by Judicial Magistrate No.II, Chengalpattu Court Judge by order dated 05.08.2019.

For Petitioners : Mr.D.Prasanna Kumar

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

For Defacto : Mr.Kingsly Solomon
complainant

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 petitioners.

2. The petitioners were arrested and remanded to judicial custody for the offences under Sections 341, 363, 292 r/w 395, 414 and 109 of IPC. 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, two of which are as follows:

- (i) The petitioners/accused shall execute a bond for Rs.1,00,000/- with two sureties each for the like sum to the satisfaction of this Court. Solvency certificate from the Thasildar is requested as amount involved is huge, and
- (iv) The petitioners shall deposit a copy of the document worth Rs.5,00,000/- either of himself or through the sureties.

The petitioners are aggrieved by the aforesaid conditions imposed by the Court below.

4. The learned counsel for the petitioners submitted that while considering a statutory bail under Section 167(2) of Cr.PC, the Court below cannot impose such onerous conditions and therefore, the 1st condition imposed by the Court below to execute a bond for Rs.1,00,000/- with two sureties each for the like sum to the satisfaction of Court to produce Solvency certificate issued by the Tasildhar, as the amount involved is huge, and 4th condition imposed by the Court below insisting for deposit of copy of the documents worth Rs.5,00,000/- require interference of this Court.

5. The learned counsel for the defacto complainant vehemently opposed the relaxation of any condition and submitted that the condition imposed by the Court below is in line with the gravity of the offences.

6. Heard the submissions of learned Additional Public Prosecutor appearing on behalf of the respondent.

7. 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 4th condition imposed by the Court below insisting for deposit of a copy of documents worth Rs.5,00,000/- requires interference. Since the petitioners are not in a position to comply with the said condition, they have not come out on bail till today.

8. In the result, the condition imposed by the Court below directing the petitioners to deposit copy of documents worth Rs.5,00,000/- either of himself or through the sureties before the Court below, is hereby set aside and other conditions imposed by the Court below shall stand as it is.

9. This Criminal Original petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate No.II,
Chengalpattu.
2. The Inspector of Police,
Chengalpattu Taluk Police Station,
Kanchipuram.
3. The Public Prosecutor,
High Court of Madras.

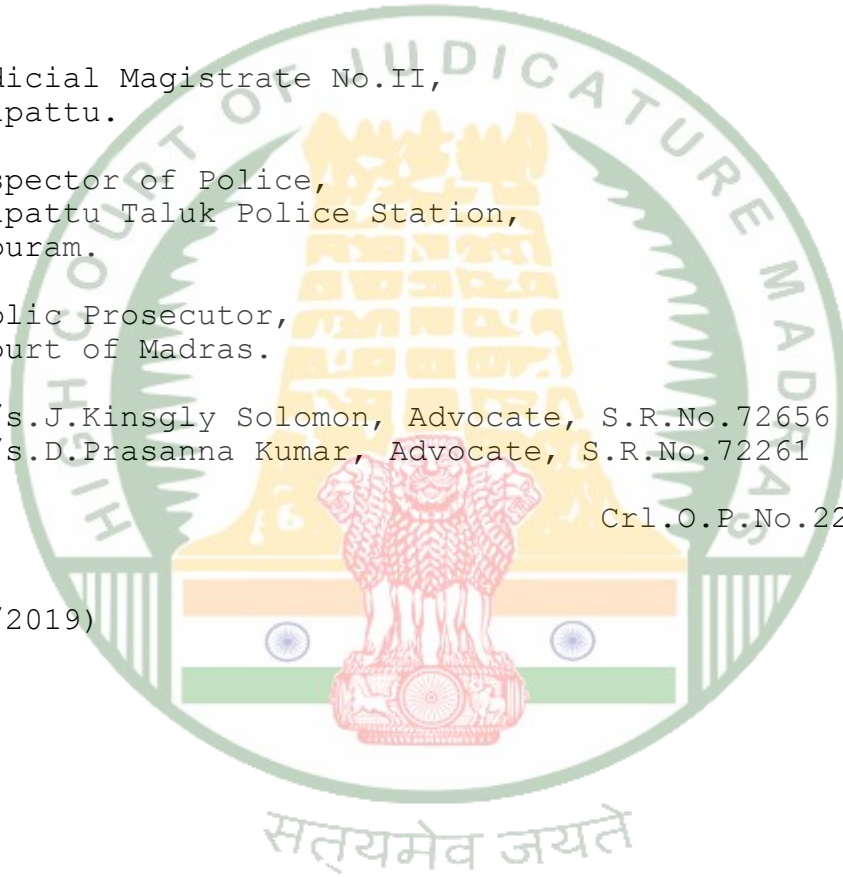
+1cc to M/s.J.Kinsgly Solomon, Advocate, S.R.No.72656

+1cc to M/s.D.Prasanna Kumar, Advocate, S.R.No.72261

CrI.O.P.No.22890 of 2019

RP(CO)

RRS (27/08/2019)



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