

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.22967 of 2019

Vinoth Kumar

..Petitioner/Accused

Vs.

The State

Rep. by The Inspector of Police,

D-2, Chengalpattu Taluk Police Station,

Kancheepuram District.

..Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to modify the conditions to execute a bond for Rs.1,00,000/- with two sureties each to the satisfaction of the Judicial Magistrate II, Chengalpattu. Solvency certificate from the Thasildar and another condition to deposit copy of document worth Rs.5,00,000/- in the order dated 08.08.2019 passed by the learned Judicial Magistrate No.II, Chengalpattu in CrI.M.P.No.6939 of 2019.

For Petitioner: Mr.K.Bommuraj

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

For Defacto : Mr.J.Kingsly Solomon  
complainant

सत्यमेव जयते  
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 the offences under Sections 341, 419, 420, 341, 419, 420, 109 and 417 of IPC and 341, 363, 392 r/w 395, 414 & 109 of IPC. 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, two of which are as follows:

- (i) The petitioner/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 petitioner shall deposit a copy of the document worth Rs.5,00,000/- either of himself or through the sureties.

The petitioner is aggrieved by the aforesaid conditions imposed by the Court below.

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 onerous conditions and therefore, the 1<sup>st</sup> condition imposed by the Court below to execute a bond for R.1,00,000/- with two sureties each for the like sum of the satisfaction of Court to produce Solvency certificate issued by the Thasildar, as the amount involved is huge, and 4<sup>th</sup> 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(Cr1.) 387 [ Umadevi Vs. The State Rep. by the Inspector of Police, EOW II, Coimbatore]. Therefore, the 4<sup>th</sup> condition imposed by the Court below insisting for deposit of a copy of documents worth Rs.5,00,000/- requires interference. Since the petitioner is not in a position to comply with the said condition, he has not come out on bail till today.

8. In the result, the condition imposed by the Court below directing the petitioner 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.

vs/jas

Sd/-  
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,  
Chengalpattu.
2. -Do- Thro' The Chief Judicial Magistrate,  
Kancheepuram.
3. The Inspector of Police,  
D-2, Chengalpattu Taluk Police Station,  
Kancheepuram District.
4. The Public Prosecutor,  
High Court of Madras.

+1cc to M/s.Kingsly Solomon, Advocate, SR.No.73356  
+1cc to Mr.K.Bommuraj, Advocate, SR.No.73107

Crl.O.P.No.22967 of 2019

Kak(27/08/2019)

सत्यमेव जयते

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