

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

CRL.O.P. No.24708 of 2019

Pandiyan

... Petitioner/A1

Vs.

The State rep. by
Sub-Inspector of Police,
M1, Madhavaram Police Station,
Chennai,
(Crime No.172 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. to modify the condition imposed by the learned Judicial Magistrate (FAC), Thiruvottiyur in Crl.M.P.No.3074 of 2019 by an order dated 19.08.2019, by modifying that the petitioner shall deposit a sum of Rs.5,00,000/- as cash deposit.

For Petitioner : M/s.S.P.Meenakshi Sundharam

For Respondent : Thiru.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

This petition is filed to modify the condition imposed in Crl.M.P.No.3074 of 2019 dated 19.08.2019, on the file of the learned Judicial Magistrate, Thiruvottiyur, Chennai, that the petitioner shall deposit a sum of Rs.5 lakh before the concerned Magistrate to the credit of Crime No.172 of 2019.

2. The case of the prosecution is that the petitioner along with two others, had borrowed loan a sum of Rs.35 lakh from the defacto complainant/Intervener. Thereafter, the petitioner did not repay the said amount. In this regard, the de-facto complainant/intervener had not filed any video evidence nor the documentary evidence to prove the fact that he handed over the sum of Rs.35 lakh to the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 28.07.2019 for the alleged offences under Sections 406 and 420 of IPC by the respondent police. Further, he would submit that the petitioner was detained after the statutory period of 22 days and therefore, he filed a petition for the grant of statutory bail under Section 167(2) Cr.P.C. The learned Judicial Magistrate (FAC), Thiruvottiyur, granted bail to the petitioner by order dated 19.08.2019. However, while ordering bail to the petitioner, the learned Magistrate, imposed certain conditions as follows :-

"i) That the petitioner shall execute a Bond for a sum of Rs.1 lakh with two sureties each for the like sum of Rs.1 lakh to the satisfaction of the Court.

ii) That the petitioner has to deposit a sum of Rs.5 lakh before the court in the above crime number in the court account.

iii) That the petitioner shall not tamper the witness in the case, failing which the bail automatically stands cancelled."

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police would submit that huge amount of money is involved in this case and the petitioner cheated the de-facto complainant to the tune of Rs.35 lakh. Therefore, he vehemently opposed to modify the condition imposed by the Court below.

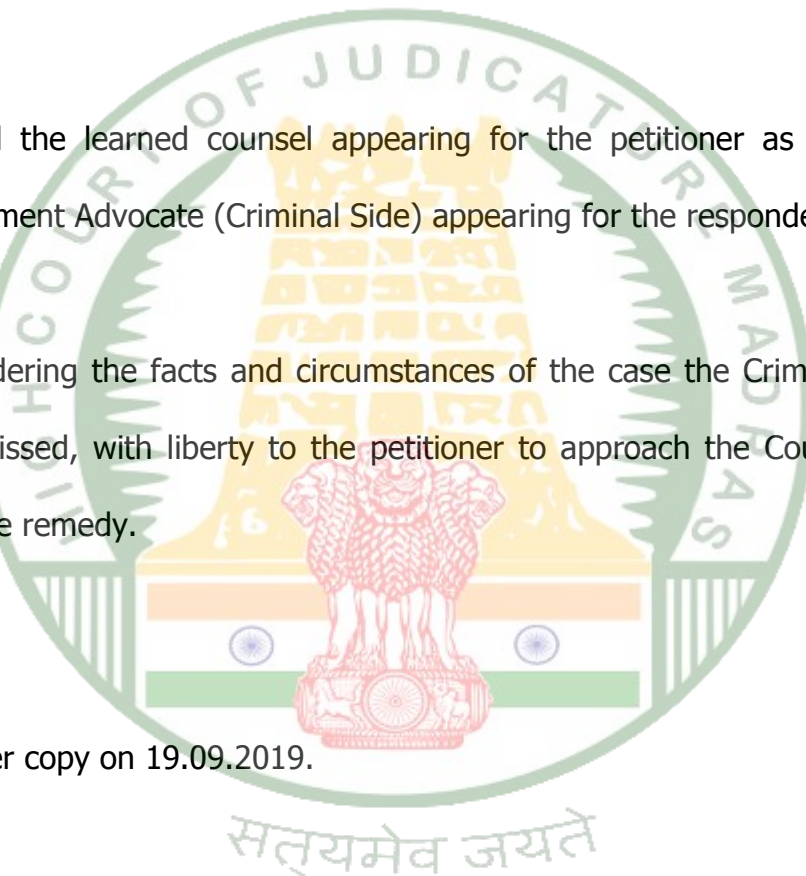
5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Criminal Side) appearing for the respondent police.

6. Considering the facts and circumstances of the case the Criminal Original Petition is dismissed, with liberty to the petitioner to approach the Court below to seek appropriate remedy.

18.09.2019

msm

Note: Issue order copy on 19.09.2019.



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C.V.KARTHIKEYAN, J.

msm

To

- 1.Sub-Inspector of Police,
M1, Madhavaram Police Station,
Chennai, (Crime No.172 of 2019)
- 2.The Public Prosecutor, High Court, Chennai.
- 3.The Judicial Magistrate (FAC), Thiruvottiyur.



Crl.O.P.No.24708 of 2009

18.09.2019

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