

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CRL.O.P.NO.24421 OF 2019

1. Jaiganesh
2. Kamakshi
3. Sivasankaran

...Petitioners/Accused

Vs.

The Inspector of Police, EDF-I,  
Crime Branch-V,  
Vepery, Chennai - 60007.  
(Crime No.219 of 2019)

...Respondent/Complainant

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed by the Principal Sessions Judge, Chennai in Crl.M.P.No.17437 of 2019 dated 29.08.2019 and modify the condition imposed in Crl.M.P.No. 16089 of 2019 dated 20.08.2019 passed by the Hon'ble Principal Sessions Judge at Chennai, by modifying the condition (b) directing the petitioners to deposit Rs.3,00,000/- (Rupees Three lakhs) each i.e. totally Rs.9,00,000/- to the credit of the Crime No.219 of 2019.

For Petitioners : Mr.S.Srinivasan  
For Respondent : Mr.C.Iyyapparaj  
Additional Public Prosecutor

सत्यमेव जयते  
O R D E R

The petitioners, who have been arrayed as accused, have been granted anticipatory bail by the learned Principal Sessions Judge, Chennai on 20.08.2019 in Crl.M.P.No.16089 of 2019 for the offences under Sections 406, 420, 506(i) read with Section 34 of IPC, on condition that the petitioners execute a bond for Rs.10,000/- each with two sureties for a like sum and also to deposit Rs.3,00,000/- each. Thereafter, the petitioners had filed Crl.M.P.No.17437 of 2019 seeking to modify the condition to deposit Rs.3,00,000/- each. By an order dated 29.08.2019, the learned Principal Sessions Judge, Chennai had dismissed the same. Aggrieved against the same, the present Criminal Original Petition has been filed.

2. 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 in the case of Umadevi Vs. The State Rep. by the Inspector of Police, EOW II, Coimbatore. Therefore, the condition imposed by the Court below to deposit Rs.3,00,000/- each requires interference and since the petitioners are not in a position to comply with the said condition, they are not able to come out on bail till today.

3. In the result, the condition imposed by the Court below directing the petitioners to deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) each i.e. Rs.9,00,000/- to the credit of Crime No.219 of 2019 is hereby set aside and accordingly, the condition imposed by the Court below is modified to the effect that the petitioners shall execute a bond for a sum of Rs.3,00,000/- each i.e. Rs.9,00,000/- with two sureties each for a like sum.

4. All other observations made in the earlier order dated 20.08.2019 in Crl.M.P.No.16089 of 2019 shall remain intact.

5. Accordingly, this Criminal Original Petition stands ordered.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Chennai.
2. The Inspector of Police, EDF-I,  
Crime Branch-V, Vepery, Chennai - 60007.
3. The Public Prosecutor,  
High Court of Madras.

+1cc to Mr.S.Srinivasan, Advocate, S.R.No.77901

Crl.O.P.No.24421 of 2019

KK(CO)

CS/24/10/2019