

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

CRL.O.P. No.24932 of 2019

1.Richard
2.Amali
3.Rathinam

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch,
Krishnagiri District,
(Crime No.10 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-II (FAC), Krishnagiri, in Crl.M.P.No.5382 of 2019 by an order dated 13.08.2019, by modifying that they shall deposit a sum of Rs.2,00,000/- each as cash deposit.

For Petitioners : Mr.M.P.Saravanan

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

ORDER

This petition is filed to modify the condition imposed in Crl.M.P.No.5382 of 2019 dated 13.08.2019, on the file of the learned Judicial Magistrate-II (FAC), Krishnagiri, whereby each of the petitioners were directed to deposit a sum of Rs.2,00,000/- each before the concerned Magistrate to the credit of

Crime No.10 of 2019.

2. Before the Court below, the said Crl.M.P. was filed seeking bail under Section 167 (2) of Cr.P.C., and the petitioners were released on bail by the learned Judicial Magistrate-II (FAC), Krishnagiri. Unfortunately, the learned Judicial Magistrate directed the petitioners to deposit each a sum of Rs.2,00,000/-.

3. It is pointed out by the learned counsel for the petitioners that imposition of such condition while granting bail under Section 167(2) CrPC is not legally permissible.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police also confirms the above submission of the learned counsel for the petitioners.

5. In view of the above legal position, the condition imposed by the learned Judicial Magistrate-II (FAC), Krishnagiri, while granting bail under Section 167 (2) (a) (ii) of CrPC., directing each of the petitioners to deposit Rs.2,00,000/- is held not sustainable. Accordingly, the said condition is set aside. The order of the learned Judicial Magistrate-II (FAC), Krishnagiri, is accordingly modified to the extent indicated above. In other respects, the said order dated 13.08.2019 passed in Crl.M.P.No.5382 of 2019 on the file of Judicial Magistrate-I, Krishnagiri (Judicial Magistrate No.II (FAC)), Krishnagiri, shall remain unaltered.

6. This petition is disposed of accordingly.

18.09.2019

msm

Note:Issue order copy on 19.09.2019.

To

- 1.The Inspector of Police, District Crime Branch, Krishnagiri District,
(Crime No.10 of 2019)
- 2.The Public Prosecutor, High Court, Chennai.
3. The Judicial Magistrate-II (FAC)),
Krishnagiri.



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C.V.KARTHIKEYAN, J.

msm



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