

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26167 of 2019

V.S.Arul ...Petitioner/ Petitioner / Accused No.1

Vs.

State Rep. by:

The Inspector of Police,
Job Racket Team,
Central Crime Branch,
Chennai - 07.

...Respondent/ Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to relax the condition to deposit Rs.5,00,000/- imposed while granting bail vide order dated 25.06.2019 in Crl.M.P.No.11407 of 2019 by the learned Principal Sessions Judge, Chennai.

For Petitioner : Mr.A.Ashwin Kumar

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused, has been granted bail by the learned Principal Session Judge, Chennai on 25.06.2019 in Crl.M.P.No.11407 of 2019 for the offences under Sections 406, 420, 34 & 506(1) IPC and Section 24 of Emigration Act 1983 on certain conditions. Seeking to modify one of the conditions, the present 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

requires interference and since the petitioner is not in a position to comply with the said condition, he is not able to come out on bail till today.

3. In the result, the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.5,00,000/- to the credit of Crime No.45/2017 is modified to the effect that the petitioner shall execute a bond for a sum of Rs.5,00,000/- as security deposit.

4. All other observations made in the earlier order dated 25.06.2019 in CrI.M.P.No.11407 of 2019 shall remain intact.

5. Accordingly, this Criminal Original Petition stands ordered.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Chennai.
2. The Inspector of Police,
Job Racket Team,
Central Crime Branch,
Chennai - 07.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.Ashwin Kumar , Advocate SR.No. 83228

CrI.O.P.No.26167 of 2019

A.SK(04/10/2019)

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