

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.28315 of 2019

V.Chandra Mohan

...Petitioner/Accused

Vs.

State Rep by,
Inspector of Police,
EDF-CCB,
Egmore,
Chennai - 600 004.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to modify the condition of cash deposit of Rs.5,00,000/- imposed in the bail orders dated 07.08.2019 passed by the Learned Principal Sessions Judge, Chennai in Crl.M.P.No.15110/2019 on condition to deposit Rs.5,00,000/- to the credit of the said Crime No.136/2019 registered for the alleged offences under Sections 409, 420, 506(1) I.P.C pending investigation on the file of respondent police.

For Petitioner : Mr.C.H.Vinoba Gandhi

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused, was granted bail by the learned Principal Sessions Judge, Chennai on 07.08.2019 in Crl.M.P.No.15110 of 2019 for the offences under Sections 409, 420, 506(i) IPC on certain conditions. Seeking to modify the same, the present petition has been filed.

2. Heard Mr.C.H.Vinoba Gandhi, learned counsel for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent.

3. 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.

4. I am of the view that the condition imposed by the trial Court is a similar onerous condition and in view of the stand taken in the aforesaid order, the present petition seeking for modification also requires consideration.

5. In the result, the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) to the credit of Crime No.136 of 2019 is modified to the effect that the petitioner shall execute a security bond for a sum of Rs.5,00,000/- with two sureties for a like sum.

6. All other observations made in the earlier order dated 07.08.2019 in Crl.M.P.No.15110 of 2019 shall remain intact.

7. Accordingly, this Criminal Original Petition stands ordered.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jas/hvk

M.S.RAMESH, J.

jas/hvk

To

- 1.The Inspector of Police,
EDF-CCB,
Egmore,
Chennai - 600 004.
- 2.The Pirncipal Sessions Judge,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.C.H,Vinobha Gandhi Advocate SR.88572

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VBA(CO)
CB(14/11/2019)