

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.28316 of 2019

Johnsi Rani

...Petitioner

Vs.

The Inspector of Police,
District Crime Branch,
Tiruvallur District,
Crime No.20/2019.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to modify the condition that the petitioner has to deposit Rs.1,00,000/- passed in C.M.P.No.4752 of 2019 dated 03.10.2019 in Crime No.20 of 2019 by the Learned District Principal Session Judge at Tiruvallur.

For Petitioner : Mr.A.M.Ayyadurai

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, Tiruvallur on 03.10.2019 in Cr1.M.P.No.4752 of 2019 for the offences under Sections 409, 468, 471, 420 r/w 34 IPC on certain conditions. Seeking to modify the same, the present petition has been filed.

2. Heard Mr.A.M.Ayyadurai, 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(Cr1.) 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.1,00,000/- (Rupees one lakh only) to the credit of Crime No.20 of 2019 is modified to the effect that the petitioner shall execute a security bond for a sum of Rs.1,00,000/- with two sureties for a like sum.

6. All other observations made in the earlier order dated 03.10.2019 in CrI.M.P.No.4752 of 2019 shall remain intact.

7. Accordingly, this Criminal Original Petition stands ordered.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

jas/hvk

To

1.The Inspector of Police,
District Crime Branch,
Tiruvallur District,
Crime No.20/2019.

2.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.Ayyadurai, Advocate, S.R.No. 88432

CrI.O.P.No.28316 of 2019

MG(CO)
GN(22/11/2019)