

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.30424 of 2019

Imran

...Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,
Central Crime Branch-I,
Chennai.
(Crime No.215 of 2019)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 01.11.2019 in Crl.M.P.No.22957 of 2019 on the file of the Hon'ble Principal Sessions Judge, Chennai, and consequently modify the condition that the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) to the credit of the Crime No.215 of 2019 imposed by order dated 24.10.2019 in Crl.M.P.No.22393 of 2019 on the file of the Hon'ble Principal Sessions Judge, Chennai.

For Petitioner : Mr.S.Mohamed Ansar

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 24.10.2019 in Crl.M.P.No.22393 of 2019, on certain conditions. Thereafter, the petitioner had filed Crl.M.P.No.22957 of 2019 seeking to modify the condition to deposit Rs.3,00,000/-. By an order dated 01.11.2019, 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/- 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 (b) imposed by the Court below, directing the petitioner to deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) to the credit of Crime No.215 of 2019, shall stand deleted.

4. All other observations made in the earlier order dated 24.10.2019 in Crl.M.P.No.22393 of 2019 shall remain intact.

5. Accordingly, this Criminal Original Petition stands ordered.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

1. The Principal Sessions Judge,
Chennai.

2. The Inspector of Police,
Central Crime Branch-I,
Chennai.

3. The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.S.Mohamed Ansar, Advocate sr 93972.

RSK(CO)
SP(14/11/2019)

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