

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.30435 of 2019

Basheerullah.L

...Petitioner

Vs.

State Rep. by
The Deputy Commissioner of Police,
Central Crime Branch, Vepery,
Chennai - 600007.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order in Crl.M.P.No.23345 of 2019 dated 05.11.2019 by the learned Principal Sessions Court, Chennai, consequently modify the bail condition b) the petitioner shall also deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) to the credit of the Crime No.215 of 2019 before the said Court and the final order in respect of the amount will be passed at the end of the criminal proceedings by the trial Court, in Crl.M.P.No.22795 of 2019 dated 31.10.2019 by the learned Principal Sessions Court, Chennai.

For Petitioner : Mr.Y.Mohamed Ghouse

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

सत्यमेव जयते
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 31.10.2019 in Crl.M.P.No.22795 of 2019, on certain conditions. Thereafter, the petitioner had filed Crl.M.P.No.23345 of 2019 seeking to modify the condition to deposit Rs.3,00,000/-. By an order dated 05.11.2019, 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 31.10.2019 in Cr1.M.P.No.22795 of 2019 shall remain intact.

5. Accordingly, this Criminal Original Petition stands ordered.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Chennai.

2. The Deputy Commissioner of Police,
Central Crime Branch, Vepery,
Chennai - 600007.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.Y.Mohamed Ghouse, Advocate, S.R.No. 93946

Cr1.O.P.No.30435 of 2019

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