

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.31169 of 2019

Sanjay Pradeep Kumar

...Petitioner/Sole Accused

Vs.

State represented by
The Inspector of Police,
District Crime Branch,
Crime No.28 of 2019,
Tiruvallur District.

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order of the learned Principal Sessions Judge, Tiruvallur in CrI.M.P.No.5778 of 2019 vide an order dated 13.11.2019 and modifying the condition to deposit Rs.2,68,400/- as onerous, imposed by the learned Judicial Magistrate No.1, Tiruvallur in C.M.P.No.7646 of 2019 in Crime No.28 of 2019 on the file of the respondent vide an order dated 14.10.2019.

For Petitioner : Mr.R.John Sathyan

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 Judicial Magistrate No.1, Tiruvallur on 14.10.2019 in CrI.M.P.No.7646 of 2019 on certain conditions. Thereafter, the petitioner had filed CrI.M.P.No.5778 of 2019 before the learned Principal District and Sessions Judge, Tiruvallur, seeking to modify the condition to deposit Rs.2,68,400/- imposed in CrI.M.P.No.7646 of 2019. By an order dated 13.11.2019, the learned Principal District and Sessions Judge, Tiruvallur 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.2,68,400/- 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 learned Judicial Magistrate No.1, Tiruvallur in Crl.M.P.No.7646 of 2019, directing the petitioner to deposit a sum of Rs.2,68,400/- to the credit of Crime No.28 of 2019, is modified to the effect that the petitioner shall execute a bond for a sum of Rs.2,68,400/- with two sureties for a like sum.

4. All other observations made in the order dated 14.10.2019 in Crl.M.P.No.7646 of 2019, shall remain intact.

5. Accordingly, this Criminal Original Petition stands ordered.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Tiruvallur

2. The Judicial Magistrate No.1, Tiruvallur.

3. Do thro the Chief Judicial Magistrate, Thiruvallur

4. The Inspector of Police,
District Crime Branch,
Tiruvallur District.

5. The Public Prosecutor, High Court, Madras - 104.

+1cc to Mr.R.John Sathyan , Advocate SR.No. 97751

Crl.O.P.No.31169 of 2019

A.SK(22/11/2019)