

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.01.2019

CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1. O.P.No.30561 of 2018

Shajakhan

..Petitioner/Accused No.1

Vs.

The State represented by
Inspector of Police,
D3, Podanur Police Station,
Coimbatore District.
(Crime No.1132 of 2018)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to modify the condition of the Principal District Sessions Judge of Coimbatore, order made in C.M.P.No.3767 of 2018, dated 18.12.2018 "the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) by way of cash and shall further deposit title deed stands in the name of the petitioner or his relatives worth about Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.1132 of 2018 of Podanur Police Station".

For Petitioner : Mr.Camyles Gandhi W

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking to modify the condition imposed by the Court below, while granting bail to the petitioner.

2. The petitioner was arrested by the respondent police for an offence under Sections 406, 420, 468 and 471 IPC and he was remanded to judicial custody on 22.11.2018. The petitioner filed a petition seeking for bail.

3. The Court below on consideration of the facts and circumstances granted bail to the petitioner by imposing certain conditions. The petitioner is aggrieved by two conditions namely deposit a sum of Rs.3,00,000/- by way of cash security and deposit of title deeds for a sum of Rs.5,00,000/-

4. The learned counsel for the petitioner would submit that the petitioner is not in a position to comply with the above

conditions and the above conditions are onerous. The learned counsel would further submit that this Court may consider modifying the conditions.

5. The Court below has taken into consideration the fact that the petitioner along with two other accused persons have misappropriated funds belonging to the de facto complainant to the tune of Rs.17,16,725/-. The petitioner has been arrayed as A1 and according to the prosecution, the petitioner was the brain behind the entire offence. Therefore, the Court below thought it fit to impose the stringent conditions against the petitioner while granting bail.

6. Taking into consideration, the facts and circumstances of the case, this Court is of the considered view that the compliance with both the conditions will be onerous and therefore, the order passed by the Court below requires modification. The above two conditions are modified as follows:-

"The petitioner shall deposit a sum of Rs.3,50,000/- as cash security and the petitioner need not deposit any title deeds".

7. The order passed by the Court below is modified to the extent indicated herein above. The other conditions imposed by the Court below shall stand as it is.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

lpp/vsa

To

1.The Principal District Sessions Judge,
Coimbatore.

2.The Inspector of Police,
D3, Podanur Police Station,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.W.Chamyles Gandhi, Advocate, S.R.No.323

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PP(CO)
rrs 04/01/2019