IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Crl.O.P.No.592 of 2020

S.Ramesh ... Petitioner / Accused

Vs

State by
The Inspector of Police
R-8, Vadapalani Police Station
Chennai.
... Respondent / Complainant

Prayer :- Criminal Original Petition filed under Section 439 (1)(b) of Criminal Procedure Code, praying to modify the bail condition No.8(a) imposed on the petitioner, while granting bail to the petitioner in Crl.MP.No.19121 of 2019, dated 20.09.2019, on the file of the Court of Sessions at Chennai and consequently, direct the learned XVII Metropolitan Magistrate, Saidapet, to return the passport to the petitioner bearing Passport No.Z2131365.

For Petitioner : Mr.D.Dayalan
For Respondent : Mrs.S.Thankira
Government Advocate (Criminal Side)

ORDER

The present petition is filed to modify the condition No.8(a) imposed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.19121 of 2019, dated 20.09.2019, while granting bail to the petitioner.

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2. The accusation made against the petitioner in Crime No.254/2019, before the respondent police, is that he has cheated the defacto complainant to the tune of Rs.45 lakhs. The Sessions Court Vide Crl.MP.No.19121/2019, had granted bail to the petitioner, and one of the conditions was that, the petitioner shall deposit his original passport before the Magistrate concerned.

3. The learned counsel for the petitioner submitted that the amount attributed to the petitioner is only Rs.20 lakhs. He added that the petitioner wants to leave India for his

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business and professional purposes and hence, he is before this Court seeking modification of condition 8(a) of the order of the Sessions Court in Crl.MP.No.19121/2019. The learned counsel for the petitioner also submitted that the petitioner can now offer original title deed of the property worth Rs.20 lakhs, in lieu of surrendering his original passport.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner ought to have moved the Sessions Court, that passed the order.

5. In fitness of things, even this Court is of the opinion that the petitioner at the first instance ought to have moved the Sessions Court, which has passed the order granting bail, and should have sought modification of the condition. However, this Court does not have powers to entertain the same, since the petitioner having come before us. This Court, therefore directs the petitioner to produce the original title deed of property worth not less that Rs.20 lakhs. The petitioner is also directed to obtain his original passport, giving his full travel schedule to the trial Court, and also the place where he is likely to station. On his return from abroad, the petitioner shall deposit his passport before the concerned Magistrate. Even before the conclusion of the trial, if the petitioner still intends to take travel abroad for his professional commitments, he can repeat the same exercise.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ds

To:
1.The Principal Sessions Judge
Court of Sessions, Chennai.

2.The XVII Metropolitan Magistrate, Saidapet.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.D.Dayalan , Advocate SR.No. 15321

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A.SK(26/02/2020)

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