

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.03.2020
CORAM
THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No.4362 of 2020

David Christoper Anand ... Petitioner/Accused
Vs.

State Rep. By
The Inspector of Police,
R8, Vadapalani Police Station,
Chennai-600 026,
Crime No.32 of 2020 ... Respondent/Complainant

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the conditions made in order dated 20.02.2020 in Crl.M.P.No.3890 of 2020 in Crime No.32 of 2020 by the learned Principal Sessions Judge, Chennai.

For Petitioner :Mr.Mahendar Bhansali
For Respondent :Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed seeking modification of the bail condition imposed on 20.02.2020 in Crl.M.P.No.3890 of 2020 by the learned Principal Sessions Judge, Chennai.

2. The case of the prosecution is that the petitioner has cheated the defacto complainant to the tune of Rs.2,94,500/-. Hence the complaint.

3. The petitioner was granted bail on 20.02.2020 by the learned Principal Sessions Judge, Chennai, in Crl.M.P.No.3890 of 2020 and one of the bail condition stipulated was that "the petitioner shall deposit a sum of Rs.3,00,000/- to the credit of crime No.32 of 2020 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."

4. The learned counsel for the petitioner submitted that the petitioner has settled the amount to the defacto complainant and that he has also produced the necessary receipts as on date.

He would further submit that though bail has been granted to the petitioner on 20.02.2020, he is unable to come out from prison since the petitioner is not able to raise funds. However, he submitted that the petitioner is prepared to deposit a sum of Rs.1,50,000/- to the credit of Crime No. 32 of 2020 and thereby, seeks for modification.

5. The learned Additional Public Prosecutor would submit that the petitioner apart from cheating the defacto complainant has also cheated the other persons and that an amount of Rs.1.5 Crores is to be repaid by the petitioner.

6. This Court perused the FIR. The complaint is in respect of Rs.2,94,500/-. The petitioner has been granted bail on 20.02.2020 and since he is unable to raise funds, he is unable to come out on bail.

7. In view of the submission made by the learned counsel for the petitioner, this Court modifies the condition imposed by the learned Principal Sessions Judge, Chennai, in CrI.M.P.No.3890 of 2020 dated 20.02.2020 to the effect that the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) to the credit of Crime No. 32 of 2020 before concerned Court. The other conditions shall remain unaltered.

8. Accordingly, this Criminal Original Petition is allowed.

Sd/-
Asst.Registrar (CS V I)

/true copy/

Sub Asst. Registrar

mpa
To

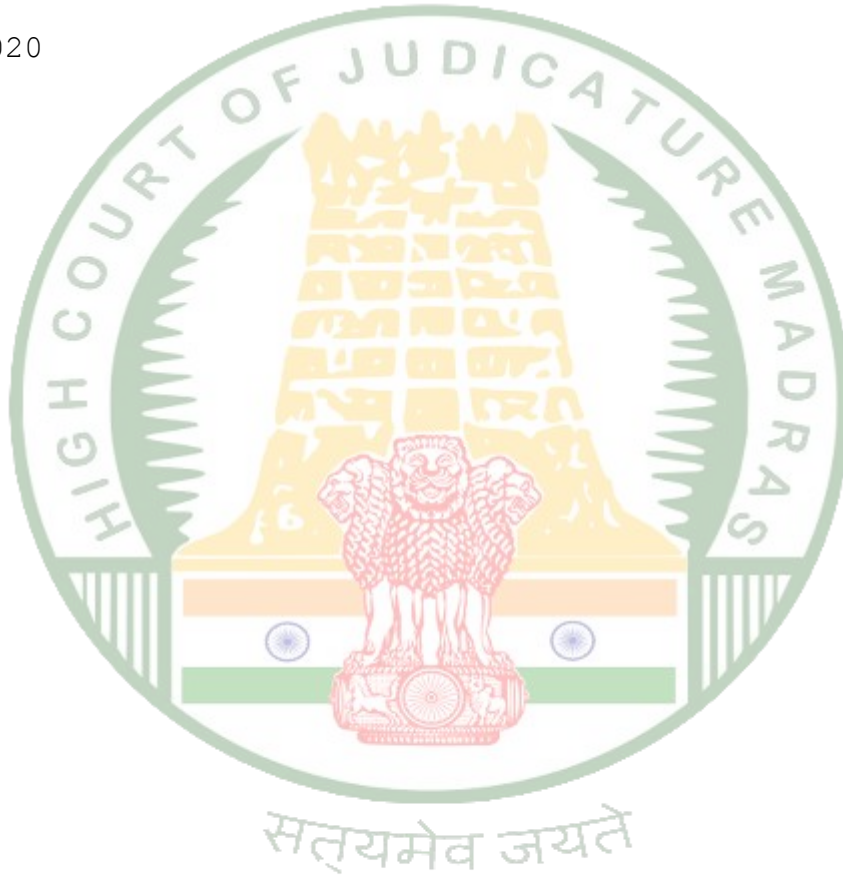
1. The learned Principal Sessions Judge,
Chennai.
2. The Inspector of Police,
R8, Vadapalani Police Station,
Chennai-600 026.

3.The Public Prosecutor,
Madras High Court.

+2 cc to Mr.Mahendra Bhansali Advocate sr19898

Cr1.O.P.No.4362 of 2020

pp(co)
aa05/03/2020



WEB COPY