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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.5238 of 2020

Saravanan

... Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
Central Crime Branch, (Job Racket),
Greater Chennai Police,
Chennai - 600 007.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. to modify the condition imposed in Crl.M.P.No.3260 of 2020 dated 24.02.2020 by the learned Principal District and Sessions Judge, Chennai "the petitioner shall deposit original title deed worth Rs.50 lakhs before the said Court".

For Petitioner : Mr.P.Sathya

For Respondent : Mrs.S.Thankira
Govt. Advocate (Criminal Side).

O R D E R

This criminal original petition has been filed to modify the condition No.6(a) imposed in Crl.M.P.No.3260 of 2020 dated 24.02.2020 by the learned Principal Sessions Judge, Chennai.

2. The learned counsel for the petitioner would submit that the petitioner was arrested by the respondent police in Crime No.243 of 2019 for the offences punishable under Sections 406, 420, 465, 467, 468, 471 & 560(i) of IPC and Section 66 D of Information Technology Act.

3. The petitioner had filed a petition for bail in Crl.M.P.No.3260 of 2020 before the Principal Sessions Court, Chennai and the learned Sessions Judge by order dated 24.02.2020, granted bail to the petitioner and one of the



condition imposed by the Court of Sessions was that the petitioner should deposit original title deeds worth about Rs.50 lakhs before the said Court.

4. The learned counsel for the petitioner would submit that the condition imposed by the learned Sessions Judge is onerous since, the petitioner was already in custody for about 75 days and due to that the petitioner is unable to arrange for original title deeds worth about 50 lakhs. He would further submit that the co-accused in this case one Kulasekara Pandian had filed a petition for bail and this Court has granted bail to him in Crl.O.P.No.2120 of 2020 dated 07.02.2020 without any condition to deposit title deeds and that this petitioner is also similarly placed. He would further submit that the accused is in custody from 24.12.2019. Hence, he prayed to modify the condition.

5. The learned Government Advocate (Crl. Side) would submit that the amount involved in this case is Rs.1,50,00,000/-. Hence she vehemently opposed to modify the condition.

6. Taking into consideration the facts of the case and that the co-accused has been granted bail by this Court without any condition to deposit title deed and also considering the duration of judicial custody undergone by the petitioner for more than 70 days from 24.12.2019, the condition No.6(a) in Crl.M.P.No.3260 of 2020 is set aside.

7. Accordingly, this petition is allowed and the other conditions shall remain intact.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Chennai.
- 2.The Inspector of Police,
Central Crime Branch, (Job Racket),
Greater Chennai Police,
Chennai - 600 007.



3. The Additional Public Prosecutor,
High Court, Madras.

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+1cc to Mr.A.P.Sathyamurthy, Advocate Sr.21366

CRL.O.P.No.5238 of 2020

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srg 11/03/2020