

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.5532 of 2020

T.Ramanujam

... Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
Central Crime Branch, EDF-I
Team - II, Vepery,
Chennai.
(Crime No.153 of 2018)

... 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.4884 of 2020 dated 02.03.2020 in Crime No.153 of 2018 on the file of the Principal Sessions Court, Chennai. In so far as fixing the condition "(a).the petitioner shall deposit original title deeds worth about Rs.50 lakhs before the said Magistrate".

For Petitioner : Mr.C.Sivanesan

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

ORDER

This criminal original petition has been filed to modify the condition No.6(a) in Crl.M.P.No.4884 of 2020 dated 02.03.2020 imposed on the petitioner by the learned Principal Sessions Judge, Chennai.

2. The learned counsel for the petitioner would submit that the petitioner was arrested on 20.12.2019 by the respondent police in Crime No.153 of 2018 for the offences punishable under Sections 420, 465, 467 and 471 of IPC.

3. The learned counsel for the petitioner would submit that the petitioner had filed a petition for bail in Crl.M.P.No.4884 of 2020 before the Principal Sessions Court, Chennai and the learned Principal Sessions Judge by order dated 02.03.2020, granted bail to the petitioner and one of the condition imposed by the Court of Sessions was that the petitioner shall deposit original title deeds worth about Rs.50 lakhs before the said Magistrate.

4. The learned counsel for the petitioner would submit that the petitioner only acted as an inter-mediator and the entire amounts have been collected were handed over to the agents. It was submitted that the bail was granted only after 74 days and that the learned Principal Sessions Judge has imposed the condition which cannot be complied with and thereby it is an onerous condition. He would further submit that the petitioner is in custody for more than 84 days and that the charge sheet has not been filed. Hence, he prayed to modify the condition.

5. The learned Government Advocate (Crl. Side) would submit that the petitioner not only cheated the de-facto complainant under the guise of getting medical seat at SRM University but also issued forged receipt as if it has been issued by SRM University. She would further submit that the amount involved in this case is Rs.62,00,000/-. Hence she vehemently opposed to modify the condition.

6. It is seen that the petitioner had been in jail for about 85 days from 20.12.2019 and the charge sheet has not been filed. The learned Principal Sessions Judge while granting bail to the petitioner has imposed condition to deposit original title deeds worth about Rs.50,00,000/-. The opinion of this Court is that the said condition is onerous. Imposing an onerous condition, which could not be complied, amounts to denial of bail. Therefore, the condition No.6(a) in Crl.M.P.No.4884 of 2020 dated 02.03.2020 imposed on the petitioner by the learned Principal Sessions Judge, Chennai, is set aside.

7. Accordingly, the petition is allowed and the rest of the conditions shall remain intact.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

smv

To

1. The Principal Sessions Judge,
Chennai.

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2.The Inspector of Police,
Central Crime Branch, EDF-I
Team - II, Vepery,
Chennai.

3.The Metropolitan Magistrate for
exclusive trial of CCB & CBCID cases
Chennai

4.The superintendent central prison
Puzhal Chennai

5. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.5532 of 2020

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