

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2020

CORAM

THE HONOURABLE MR.JUSTICEM.NIRMAL KUMAR

Crl. M. P. Nos.4007 & 4008 of 2020 in

Crl.O.P.No.7575 of 2020

Maniarasu

... Petitioner in both Crl.M.Ps

Vs.

The State Rep by
The Sub-Inspector of Police,
Tambaram Police Station,
Tambaram, Chennai.
Crime No.61 of 2020.

...Respondent in both Crl.M.Ps

Prayer: Criminal Miscellaneous Petition filed under Section 482 Cr.P.C., to modify the condition "(a) the petitioner shall deposit original title deed stands in his name or his friends name or his relatives name, not below the value of Rs.60,00,000 (Rupees sixty lakhs only) with proper valuation certificate issued by the Authority concerned" imposed in Crl.O.P.No.7575 of 2020 to the petitioner and to extent the time limit to comply the conditions imposed upon the petitioner in the order of bail in Crl.O.P.No.7575 of 2020.

For Petitioner : Mr.R.Prasadh
in both Crl.M.Ps

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor
in both Crl.M.Ps

COMMON ORDER

Earlier, the petitioner was granted bail by this Court in Crl.O.P.No.7575 of 2020, by an order dated 14.05.2020, on condition that the petitioner shall deposit original title deed standing in his name or his friends name or his relatives name, not below the value of Rs.60,00,000/- (Rupees sixty lakhs only) with proper valuation certificate, issued by the Authority concerned and on such condition the petitioner is ordered to be released on bail on

executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison. Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed automatically. The further condition is that the petitioner shall report before the respondent police daily at 10.30 a.m. from 01.06.2020 for a period of two weeks and thereafter as and when required for interrogation.

2. The learned counsel for the petitioner would submit that the petitioner is a senior citizen and suffering from various health problems and hailing from decent family background and he is confined in judicial custody for the past 90 days. He further submits that the only property that stands in his name is the Residential Apartment situated at No.115/116, F-4, B-Block, Dharmaraja Kovil Street, SVS Enclave, Srinivasapuram, Guduvacherry, Chennai. This property is mortgaged with the housing finance company namely M/s. SHRIRAM CITY and the certified copy of relevant documents of the property were already handed over. It is found in custody of M/s. SHRIRAM CITY. The above said property is also having value not more than 25 Lakhs. The petitioner has three daughters to be taken care of by him, other than the financial liability. Due to onerous condition, the petitioner is unable to execute sureties and unable to come out on bail despite obtaining bail order from this court. The learned counsel for the petitioner would further submit that the petitioner's name has not been shown in the FIR and he has been roped in, in this case based on the confession of A1 and the petitioner has not received any such money from A1 or any other accused and he has been falsely implicated in this case.

3. The Additional Public Prosecutor opposed modification for the reason that A1 to A3 are the employers of the defacto complainant's company and swindled huge sum of money to the tune of Rs.2.80 Crores by creating forged documents of selling goods, forged cheques and other documents. The petitioner has received a sum of Rs.55,00,000/- from other accused and Rs.1,00,000/- only recovered from him and the balance amount is to be recovered.

4. Considering the condition and the period of incarceration, this Court is inclined to modify the conditions as follows:

[a] The petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison.

[b] The petitioner shall deposit original title deed that stands in his name or his friends name or his relatives name, not below the value of Rs.25,00,000/- (Rupees twenty five lakhs only) with proper valuation certificate issued by the Authority concerned, when the sureties are produced before the concerned Court.

[c] Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically.

[d] In the event of petitioner failing to deposit the original title deed as stated above, the bail granted by this Court shall stand dismissed automatically.

[e] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks after lock down restrictions are lifted.

[f] Other conditions are unaltered.

-sd/-
28/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE
KANCHEEPURAM DISTRICT, CHENGALPATTU.

2 THE JUDICIAL MAGISTRATE-1
TAMBARAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE
TAMBARAM POLICE STATION,
TAMBARAM, CHENNAI.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

C.C. to M/S. R.PRASADH Advocate on payment of necessary charges

Order

in
CRL MP.4007 & 4008/2020

in
CRL OP.7575/2020

Date :28/05/2020

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

TA-06/08/2020



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