

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :29.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15319 of 2020

Santhappan,
S/o.Thangavel

... Petitioner

Vs.

State Rep by
The Station House Officer,
CCIW PS, Cuddalore,
Cuddalore District.
(Crime No.1 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439(1)(b) r/w 482 of Criminal Procedure Code praying to modify the bail condition “the petitioner is directed to deposit Rs.2 lakhs before the lower court and the same has been kept in CCD Account in the said Crime Number and the same has to be decide in trial Court” imposed in CrI.MP.No.5033 dated 01.09.2020 in connection with the Crime No.1 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.K.Gandhi Kumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This Criminal Original Petition has been filed to modify the bail condition *“the petitioner is directed to deposit Rs.2 lakhs before the lower court and the same has been kept in CCD Account in the said Crime Number and the same has to be decide in trial Court”* imposed in Crl.MP.No.5033 of 2020 dated 01.09.2020 in connection with the Crime No.1 of 2020 pending investigation on the file of the respondent police.

2. The learned Counsel for the petitioner would submit that the petitioner was arrested in Crime No.1 of 2020 registered by the respondent police for the alleged offence punishable under Sections 120-B, 408, 471 and 477-A of IPC. The allegations against the petitioner is that the petitioner along with other accused persons has misappropriated the funds to the tune of Rs.7,49,715/- belonging to the Co-operative Society and thereafter, the petitioner had filed an application for bail in Crl.MP.No.5033 of 2020 before the Sessions Court, Cuddalore Division, Cuddalore. The petitioner was granted bail on 01.09.2020 with certain conditions. One of the such conditions is that the petitioner shall deposit a sum of Rs.2,00,000/- before the said court to the credit of Crime No.1 of 2020. He would further submit that the petitioner was in custody and the fact that the entire amount has already been re-paid to the Co-operative Society was not brought to the knowledge of the Court at the time of arguing the bail application and thereby, the Sessions Court imposed the

condition that the petitioner shall deposit a sum of Rs.2,00,000/-. He would further submit that the petitioner had filed petition in Crl.MP.No.5121 of 2020 before the Sessions Court, Cuddalore Division, Cuddalore seeking for modification of condition and the Sessions Court by an order dated 04.09.2020 dismissed the said petition, as against the same, the present petition has been filed. He would further submit that as per the records, the entire amount alleged to have been misappropriated has been re-paid to the Co-operative Society. Further, the respondent has filed a counter, wherein in Paragraph No.6, it has been stated that the total amount of Rs.7,49,715/- alleged to have been misappropriated was fully remitted to the Co-operative Society. Hence, he seeks for modification of the said condition.

3. Taking in to consideration the facts and the submissions made by the learned Counsel for the petitioner, the condition imposed by the Sessions Court, Cuddalore Division, Cuddalore in Crl.MP.No.5033 of 2020 dated 01.09.2020; that

“the petitioner is directed to deposit Rs.2 lakhs before the lower court and the same has been kept in CCD Account in the said Crime Number and the same has to be decide in trial Court” , is set aside

4. The Other Conditions shall remain intact. The above condition imposed by the Sessions Court shall stands set-aside.

29.10.2020

Vv

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A.D.JAGADISH CHANDIRA, J.

Vv

To

1. The Sessions Court,
Cuddalore Division, Cuddalore.
2. The Station House Officer,
CCIW PS, Cuddalore,
Cuddalore District.
3. The Public Prosecutor
High Court of Madras
Chennai.



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