

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P.No.33837 of 2019

Mahesh Prasad

... Petitioner/Accused

Vs.

The State

Rep. by Inspector of Police,
N1- Police Station, Royapuram,
Chennai.

... Respondent/Complainant

PRAYER: Criminal Original petitions have been filed under Section 439(1)(b) of the Criminal Procedure Code to modify the condition imposed in Crl.M.P.No.25382 of 2019 order dated 29.11.2019 on the file of Hon'ble Principal Sessions Judge, Chennai.

For Petitioner : Mr.T.Arul

For Respondent : Mrs.S.Thankira
Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed seeking modification of the bail condition imposed on 29.11.2019 in Crl.M.P.No.25382 of 2019 by the learned Principal Sessions Judge, Chennai.

2.The petitioner has been directed by the Sessions Court while granting bail in Crl.M.P.No.25382 of 2019 to deposit original title deed worth about Rs.6,00,000/- or Bank Guarantee for Rs.6,00,000/- into the said Court.

3.The learned counsel for the petitioner submitted that the petitioner is accused of committing an offence under section 406 IPC, that he is the owner of AIR Cargo Enterprises, that the complainant has left some consignment for transfer, that the consignment was transferred from Mumbai to Chennai by train. While so, there was a robbery in the train, which is being investigated by the RPF Mumbai. He further submitted that while entrustment of good is admitted, the petitioner has not misappropriated the said consignment and that he is a victim of robbery in the train. He added that while granting bail to the

petitioner, the learned Sessions Judge has directed him to deposit title deed worth Rs.6,00,000/- or Bank Guarantee for the said sum. This condition, in the circumstances in which the case is positioned, is a onerous condition.

4.Heard, the learned Government Advocate (Crl.Side) appearing for the respondent.

5.This Court is satisfied that since the consignment is lost in a train robbery, that consideration ought to weigh with this Court. Accordingly, this Court modifies the condition imposed by the trial Court and drops the condition in paragraph No.6(a) of the order passed by the learned Sessions Judge in Crl.M.P.No.25382 of 2019.

6.The Criminal Original Petition is modified accordingly.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

tsg/mpa

To

1.The Inspector of Police,
N1- Police Station, Royapuram,
Chennai.

2.The Principal Sessions Court,
Chennai.

3.The Public Prosecutor,
Madras High Court.

+1cc to Mr.CK.Suresh, Advocate SR.No.4486

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RSI (CO)
GMY (03/02/2020)