

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE **MR.JUSTICE V.BHARATHIDASAN**

Crl.O.P.No.779 of 2021

M.Gurudevan
S/o.Murugesan

.. Petitioner

Vs.

The State Represented by
The Sub Inspector of Police,
District Crime Branch
Villupuram
Villupuram District
Crime No.40 of 2020)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the conditional order of the Judicial Magistrate No.I, Villupuram, passed in C.M.P No.2171 of 2020 dated 05.01.2021 in D.CB, Crime No.40 of 2020 on the file of the Inspector of Police, District Crime Branch, Villupuram District.

For Petitioner : Mr.C.Deivasigamani

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for modification of the condition imposed in C.M.P No.2171 of 2020 dated 05.01.2021 by the Judicial Magistrate No.I, Villupuram.

2. The petitioner is the sole accused. He has been implicated in this case for the punishable offence under Section 420 of IPC in Crime No.40 of 2020. The allegation is that the petitioner had received money from various persons to the tune of Rs.19,70,000/- on the promise of getting employment and thereafter, neither the petitioner got employment nor repaid the amount. Hence, the complaint has been registered. Thereafter, the petitioner had approached the trial Court and the trial Court had granted bail to the petitioner by an order dated 05.01.2021 with conditions and one of the condition is that the petitioner shall deposit a title deed in his favour or of his spouse, or of his relatives or friends of value not less than Rs.10,00,000/-. To modify the aforesaid condition, the present petition has been filed.

3.The learned counsel for the petitioner submitted that the petitioner is not in a position to produce the title deeds and eventhough bail was granted on 05.01.2021 and cannot come out on bail, now he was admitted in the hospital due to his illness and hence, he seeks for modification of the above condition.

4. The learned Additional Public Prosecutor would submit that the petitioner had cheated various persons under the guise of getting job to the tune of Rs.19,70,000/- and he is the sold accused. While granting bail, the trial Court imposed one of the condition that the petitioner shall deposit title deed in his favour or of his spouse, or of his relatives or friends of value not less than Rs.10,00,000/- and the condition need not be modified.

5. Considered the rival submissions.

6. The petitioner had received an amount of Rs.19,70,000/- from various persons on the promise of getting job. While granting bail, the Judicial Magistrate No.I, Villupuram, directed the petitioner to furnish the title deeds in favour in his favour or of his spouse, or of his relatives or

friends of value not less than Rs.10,00,000/-, which is not an onerous condition. However, considering the fact that the petitioner is not in a position to furnish the title deeds in his favour, option is given to the petitioner either to deposit a sum of Rs.5,00,000/- by way of cash or to deposit the title deeds to the value of Rs.10,00,000/- and accordingly, the above condition imposed in Crl.M.P No.2171 of 2020 dated 05.01.2021 by the Judicial Magistrate No.I, Villupuram is modified. The other conditions imposed by the trial Court shall stand unaltered.

6. This Criminal Original Petition is disposed of, with the above modification.

21.01.2021

uma
To

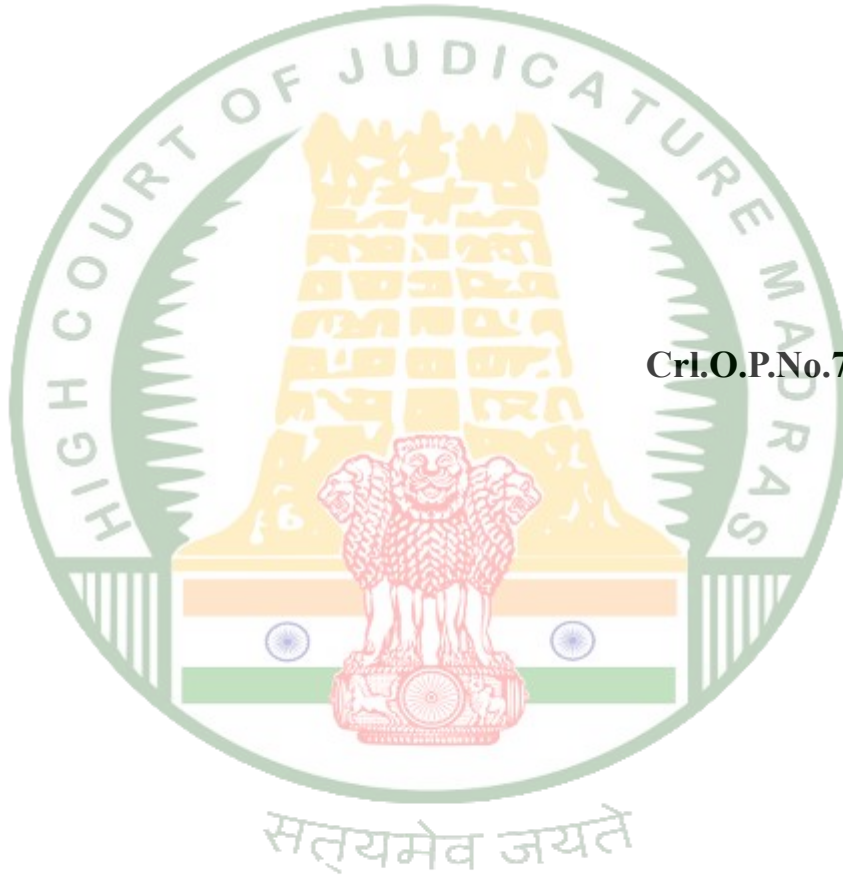
1. The Judicial Magistrate No.I
Villupuram, Villupuram District.

2. The Sub Inspector of Police,
District Crime Branch
Villupuram
Villupuram District

3. The Public Prosecutor,
Madras High Court.

Crl.O.P No.779 of 2021

V.BHARATHIDASAN,J
uma



Crl.O.P.No.779 of 2021

WEB COPY 21.01.2021