

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.8103 of 2021

Mahadevaiah @ Mahadevann

...Petitioner

Versus

State Rep. by
Inspector of Police,
CBCID Metro Wing,
Chennai.
Crime No.05 of 2020

...Respondent

PRAYER: Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the conditions (i) the petitioner/accused shall execute a bond for Rs.10,000/- on his own along with two other sureties for the like sum to the satisfaction of this Court and one among the surety shall be a blood relative of the petitioner/accused, (ii) the petitioner/accused shall appear and sign before the respondent police at 10.30 AM and 5.00 PM. until further orders imposed in Crl.MP.No.10853 of 2021 on the file of the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai by appreciating the above stated facts and circumstances.

For Petitioner : Mr.M.Guruprasad

For Respondent : Ms.Kritika Kamal.P.
Government Advocate (Crl. side)

सत्यमेव जयते

O R D E R

This petition has been filed seeking to modify the condition imposed by the Court below while suspending the sentence imposed against the petitioner for an offence under Sections 420 of IPC.

2. It is seen from the records that the amount alleged to have been cheated is more than Rs.1,45,00,000/-. The trial Court, at the time of considering the petition for bail, had imposed a condition that (i) the petitioner/accused shall execute a bond for Rs.10,000/- on his own along with two other

sureties for the like sum to the satisfaction of this Court and one among the surety shall be a blood relative of the petitioner/accused, (ii) the petitioner/accused shall appear and sign before the respondent police at 10.30 AM and 5.00 PM. until further orders.

4. Aggrieved by the same, the present petition has been filed.

5. This Court does not find any infirmity or illegality in the order passed by the Court below. The Court below had considered the total amount which was cheated by the petitioner and had imposed a reasonable condition to the petitioner.

6. This is a discretion exercised by the Court below and this Court cannot interfere with the same unless this Court finds an apparent perversity in the order.

7. In the result, this Criminal Original Petition is dismissed and the order of the Court below is confirmed. However, in the facts and circumstances of the case, this Court grants a further period of four weeks from the date of receipt of a copy of this order to comply with the order passed by the Court below.

Sd/-
Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

rli

To

1.The CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
CBCID Metro Wing,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.2690

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RK(CO)
CB(29/06/2021)