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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11455 of 2021

Syed Abdullah, Male/aged 20 years,
S/o.Syed affer Hussain,

...Petitioner

Vs

State Represented by,
The Inspector of Police,
J-13, Tharamani Police Station,
Chennai.

(Crime No.154 of 2021)

...Respondent

Prayer: Criminal Original Petition has been filed under Sections 439(1)(b) of the Code of Criminal Procedure, to modify the condition imposed on the petitioner in E.Bail M.P.No.117 of 2021 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai 'the petitioners shall execute a bond for Rs.25,000/- before Jail authorities also each petitioner either should deposit an amount of Rs.10,00,000/- each in cash or must deposit any valuable document in original before the Court for the amount'' by an order dated 02.06.2021.

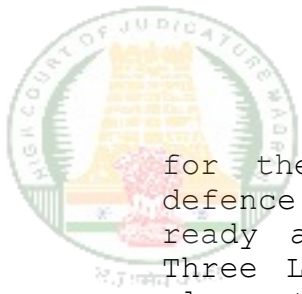
For Petitioner : Mr.S.Suresh

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to modify the condition imposed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai in E.Bail M.P.No.117 of 2021, dated 02.06.2021.

2. The learned counsel for the petitioner would submit that the petitioner is not an accused and the lower Court, while granting bail to the petitioner, the trial Court imposed a condition that the petitioners shall execute a bond for Rs.25,000/- before Jail authorities also each petitioner either should deposit an amount of Rs.10,00,000/- each in cash or must deposit any valuable document in original before the Court for the amount''. However, he is unable to raise funds to deposit the said amount. However, on instructions, the learned counsel



for the petitioner submitted that without prejudice to his defence and contentions, the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Crime. No.154 of 2021 and also the petitioner shall deposit a original title deeds/document of immovable property worth about Rs.2,00,000/- either belonging to his/or his relatives to the credit of Crime No.154 of 2021 before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, and also conceded the same may be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking may be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.3,00,000/- will be returned to him. Hence, the modification petition has been filed by the petitioner.

3. Heard the learned Government Advocate (Criminal Side) appearing for the respondent police.

4. Considering the facts and circumstances of the case, this Court modifies the condition that the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Crime. No.154 of 2021 and also the petitioner shall deposit a original title deeds/document of immovable property worth about Rs.2,00,000/- either belonging to his/or his relatives to the credit of Crime No.154 of 2021 before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, within a period of four weeks from the date of receipt of a copy of this order .On such deposit being made, the learned XVIII Metropolitan Magistrate Saidapet, Chennai shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.3,00,000/- deposited by the petitioner to the credit of Crime No.154 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter. The other conditions imposed by the Court shall remain intact.

5. With the above modification, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

msrm



To

1.The XVIII Metropolitan Magistrate,
Saidapet,
Chennai.

2.The Inspector of Police,
J-13, Tharamani Police Station,
Chennai.

3.The Public Prosecutor,
Madras High Court.

CrI.O.P.No.11455 of 2021

JP-II(CO)
RVM(30/07/2021)