

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20029 of 2020

K. Murugan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Team-32, Central Crime Branch,
Chennai.
(XCrime No.173 of 2017)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1)(b) of Criminal Procedure Code to modify the bail condition in respect of deposit of Rs.2 lakhs imposed in Crl.M.P.No.10891 of 2017 dated 31.07.2017 by the learned Principal Sessions Judge, Chennai, while granting bail to the petitioner and direct the learned Metropolitan Magistrate (for Exclusive Trial of CCB Cases relating to cheating cases in Chennai and CBCID Metro Cases), Chennai, to return the said sum.

For Petitioner : Mr. D.N.Dhurgasha

For Respondent : Mr.S. Karthikeyan
APP

ORDER

(The case has been heard through video conference)

This Criminal Original Petition has been filed seeking for modification of the condition imposed by the Court below while granting bail to the petitioner.

2. The petitioner is A7. He has been impleaded for the offences under Sections 465, 467, 468, 471, 474, 420 of IPC and Section 12(1)(d) of the Passport Act 1947. The petitioner was arrested and remanded to judicial custody and therefore, he filed a petition for bail before the Court below.

3. The Court below while granting bail to the petitioner imposed certain conditions. One of the conditions is that the petitioner should deposit a sum of Rs.2,00,000/- to the credit of Crime No.173 of 2017. Pursuant to the same, the petitioner has deposited the amount. Now, seeking to modify the above said condition, enabling the petitioner to withdraw the amount, the present application has been filed.

4. The learned counsel for the petitioner submitted that a similar condition was imposed to the co-accused by the Court below, and this Court by an order dated 28.06.2019 in Crl.O.P.No.16424 of 2019 modified the bail condition and permitted him to withdraw the deposited amount. The petitioner is also similarly placed person and he is also seeking similar modification, the petitioner also produced the copy of the order.

5. The learned Additional Public Prosecutor submitted that now investigation is over and final report has been filed and the trial Court taken cognizance in C.C.1084 of 2020, and opposed the application.

6. Considering the fact that similar condition imposed by the Court below has been modified in respect of the co-accused, this Court is inclined to modify the condition. The condition imposed by the Court below in respect of deposited amount is set aside. The petitioner is permitted to approach the trial Court and file appropriate petition to withdraw the said sum of Rs.2,00,000/-(Rupees two lakhs only) deposited by him in Crime No.173 of 2017.

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

06.01.2021

mrp

To

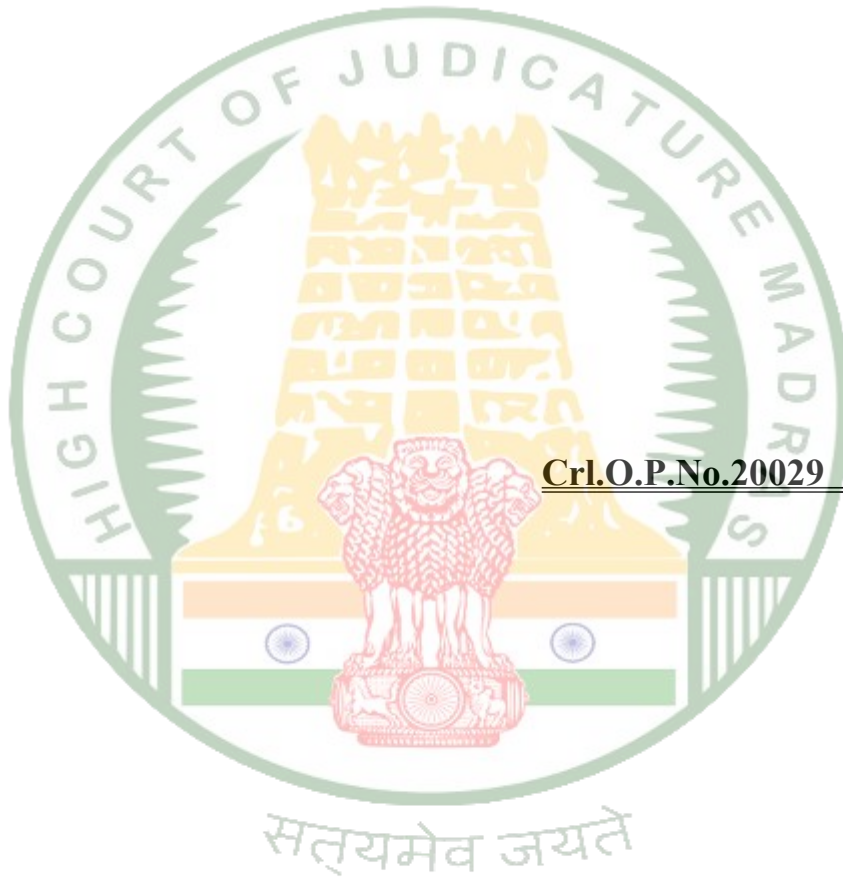
- 1.The Metropolitan Magistrate,
For Exclusive Trial of CCB Cases (relating to cheating cases
in Chennai) and CBCID Metro Cases,
Chennai.
2. The Principal Sessions Court,
Chennai.
- 3.The Inspector of Police,
Team-32, Central Crime Branch,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.

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V.BHARATHIDASAN, J.

mrp



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