



Crl.O.P.No.11171 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.11171 of 2023

Sumslathieftheen

... Petitioner

Versus

The State Represented by

1.The Deputy Superintendent of Police,
EOW-II Vellore,
Gandhi Nagar,
Vellore - 632 001.

2.The Inspector of Police,
EOW Thiruvannamalai,
Thiruvannamalai District.

... Respondents

Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to modify the condition passed by the Special Judge TNPID Court at Chennai in Crl.M.P.No.1800 of 2023 dated 08.05.2023 in connection with the case in Crime No.01 of 2023 pending on the file of the respondents police.



Crl.O.P.No.11171 of 2023

For Petitioner : Mr.S.Kasirajan
For Respondents : Mr.S.Balaji
Government Advocate
(Criminal Side)

ORDER

This petition has been filed to modify the condition passed by the Special Judge TNPID Court at Chennai in Crl.M.P.No.1800 of 2023 dated 08.05.2023 in connection with the case in Crime No.01 of 2023 pending on the file of the respondents police.

2. The learned counsel for the petitioner would submit that the petitioner had filed bail petition under Section 167(2) of Cr.P.C. He further submit that while granting bail to the petitioner, the trial Court imposed onerous condition on the petitioner and the petitioner was directed to deposit the Original Title Deeds of immovable property worth Rs.3 crores standing in the name of the petitioner or his relatives or his friends along with Valuation Certificate obtained from the authority concerned within a period of 60 days from the date of his release.



Crl.O.P.No.11171 of 2023

WEB COPY

3. The learned Government Advocate (Criminal Side) appearing for the respondents police opposed the prayer for modification stating that earlier, this Court had granted bail with the same condition and the petitioner has not complied with the said condition.

4. This Court is of the view that merely because the petitioner was directed to deposit the Original Title Deeds of immovable property worth Rs.3 crores while considering his release on regular bail, the order granting bail under Section 167(2) of Cr.P.C cannot be subject to the said onerous condition.

5. The Hon'ble Supreme Court and this Court have repeatedly held that statutory bail cannot be denied by imposing such onerous condition.

6. Hence, the Condition No.8 imposed in Last Paragraph of the order dated 08.05.2023 in Crl.M.P.No.1800 of 2023 is deleted. The other conditions imposed on the petitioner shall remain intact.



WEB COPY



Crl.O.P.No.11171 of 2023

7. Accordingly, this Criminal Original Petition is allowed.

11.05.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

jas/arb

To

1.The Deputy Superintendent of Police,
EOW-II Vellore,
Gandhi Nagar,
Vellore - 632 001.

2.The Inspector of Police,
EOW Thiruvannamalai,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.11171 of 2023

SUNDER MOHAN, J.

jas/arb

Crl.O.P.No.11171 of 2023

11.05.2023