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CRL.O.P.No.18969 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.CHANDRASEKHARAN**

CRL.O.P.No.18969 of 2023

1.Akshaya @ Kasthuri @ Sree Kasthuri
2.R.Saravanan

... Petitioners

Vs.

The State Rep by,
The Inspector of Police,
Central Crime Branch-Team XI,
Bank Fraud Investigation,
Vepery, Chennai.

... Respondent

Prayer :- Criminal Original Petition filed under Section 439(1)(b) Cr.P.C.
praying to modify the conditions imposed in the order dated 05.05.2022 passed
in Crl.M.P.No.7640 of 2022 on the file of the Court of Sessions at Chennai.

For Petitioner : Mr.Durai. Gunasekaran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

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This petition has been filed to modify the conditions imposed in the order dated 05.05.2022 passed in Crl.M.P.No.7640 of 2022 on the file of the Court of Sessions at Chennai.

2. The learned counsel for the petitioners submitted that, petitioners were granted bail by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.7640 of 2022 dated 05.05.2022 with certain conditions. One of the condition reads as follows:-

“6.(b) The petitioners shall also deposit Rs.1,00,000/- each to the credit of the crime no.295/2020 before the said court and directed the petitioners to settle the balance amount within one year failing which, the bail order shall stand cancelled automatically.”

2.1. As per the condition, the petitioners deposited Rs.1,00,000/- each to the credit of the crime No.295/2020. However, the condition that, if the petitioners fail to settle the balance amount within one year, bail order shall stand automatically cancelled, is against the settled position of law. Thus, he request to modify this condition.



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3. In the light of the submission of the learned counsel for the petitioners, this Court is of the view that the condition 6(b) imposed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.7640 of 2022 dated 05.05.2022 that, if the petitioners fail to settle the balance amount within one year, bail order shall stand automatically cancelled, is not a condition approved by law. Therefore, this part of the condition alone is set aside and modified as follows:

6.(b) The petitioners shall also deposit Rs.1,00,000/- each to the credit of the crime no.295/2020 before the said court and directed the petitioners to settle the balance amount within one year.”

4. With the above modification, this Criminal Original Petition is ordered and the other conditions imposed shall remain unaltered.

22.08.2023

gd

Internet : Yes/No

Index : Yes/No

Speaking/Non speaking order



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G.CHANDRASEKHARAN,J.

gd

To

1. The Principal Sessions Judge, Chennai
2. The Inspector of Police,
Central Crime Branch-Team XI,
Bank Fraud Investigation,
Vepery, Chennai.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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