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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.16143 of 2023

Shobith Kumar
S/o.Shiv Chandra Yadhav

.. Petitioner/Petitioner

vs.

State Rep.by
Sub Inspector of Police
Deevattipatti Police Station
Salem District.

..Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition : Petitioner shall execute a bond of Rs.10,000/- along with sureties who belongs to the District of Salem. The sureties shall produce documents showing Rs.10,00,000/- worth assets in their name. The sureties shall be sufficient to the satisfaction of learned Judicial Magistrate, Omalur imposed in Order dated made in CrI.M.P.No.1217 of 2023 on the file of the learned Judicial Magistrate, Omalur.

For Petitioner : Mr.T.Balaji
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed seeking for modification of one of the condition that was imposed by the Court below while granting statutory bail to



the petitioner u/s.167(2) of Cr.PC.

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2.The petitioner was arrested and remanded to judicial custody on 28.12.2022 in the course of investigation in Crime No.602 of 2022. The petitioner was in custody for more than 90 days and the final report was not filed by the respondent Police. Hence, the petitioner filed a bail petition u/s 167(2) of Cr.PC., seeking for statutory bail. The Court below ordered the application on 29.03.2023. The petitioner is aggrieved by the first condition that was imposed by the Court below and the same is extracted hereunder:

1. The petitioner shall executed a bond for sum of Rs.10,000/- along with two sureties who belong to the district of Salem. The sureties shall produce documents showing Rs.10,00,000/- worth assets in their name. The sureties shall be sufficient to the satisfaction of this Court.

3.Heard Mr.T.Balaji, learned counsel appearing on behalf of the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondent.

4.It is now repeatedly held by the Apex Court and this Court that the Court below while considering a statutory bail, cannot impose onerous condition and the Court has to satisfy itself with only requirement as to



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whether the accused person is prepared to furnish bail. The first condition that has been imposed by the Court below is certainly an onerous condition and the same requires the interference of this Court.

5.in view of the above, condition No.1 that was imposed by the Court below is modified as under:

“ The petitioner shall executed a bond for a sum of Rs.10,000/- along with two sureties for a like some to the satisfaction of the Court below.”

6.The other conditions imposed by the Court below shall stand as it is.

7.This criminal original petition is disposed accordingly.

20.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP

Note: Issue Order Copy on 20.07.2023



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N. ANAND VENKATESH., J.
KP

To

- 1.Sub Inspector of Police
Deevattipatti Police Station
Salem District.
- 2.Judicial Magistrate, Omalur.
- 3.The Public Prosecutor, High Court, Madras.

Crl.O.P No.16143 of 2023

20.07.2023