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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.212 of 2024

Mohan

...Petitioner/Accused

Vs.

The State rep by
The Sub-inspector of Police,
K-11, CMBT Police Station,
Chennai.
(Crime No.385 of 2023)

...Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to set aside the condition imposed in CrI.M.P.No.52127 of 2023 dated 16.11.2023 in Para 6(a) on depositing a sum of Rs.1,00,000/- in this Crime Number.

For Petitioner

: Mr.D.Raghu

For Respondent

: Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed challenging one of the condition that was imposed by the Court below while granting statutory bail to the petitioner under Section 167(2) of Cr.P.C.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3.The petitioner was arrested in the course of investigation in Crime No.385 of 2023 for the offences under Sections 406 and 420 of IPC. The petitioner was remanded to judicial custody on 07.09.2023. Since the final report was not filed within the statutory period of sixty (60) days, the petitioner moved an application in CrI.M.P.No.52127 of 2023 under Section 167(2) of Cr.P.C., seeking for statutory bail.

4.The Court below allowed this application. However, one of the condition that was imposed by the Court below was that the petitioner must deposit a sum of Rs.1,00,000/-. This condition has been put to challenge in this petition.

5.It is now too well settled that the accused person is entitled for



statutory bail as a matter of right. The condition to deposit money can never be imposed while releasing a person on statutory bail. Hence, the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.1,00,000/- requires interference of this Court and accordingly, the same is hereby set aside. It will suffice if the petitioner executes a bond for a sum of Rs.10,000/- with two sureties for a like sum and one such surety shall be parents or blood relatives or family members of the petitioner. The other conditions imposed by the Court below shall remain in tact.

6.In the result, this Criminal Original Petition is disposed of with the above direction.

05.01.2024

Index: Yes/No

Internet: Yes/No

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Note: Issue order copy on 05.01.2024.



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N.ANAND VENKATESH.J.,

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To

1. The V Metropolitan Magistrate, Egmore.
2. The Sub-inspector of Police,
K-11, CMBT Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P No.212 of 2024

05.01.2024