



WEB COPY



CrI.O.P.No.18826 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.18826 of 2024

S.Priyankumar @ Ragul

... Petitioner

Vs.

State by  
The Inspector of Police,  
CCB Team – II,  
Avadi Police Station,  
Avadi.  
(Cr.No.27 of 2023)

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS Act, to modify the order passed in CrI.M.P.No.2160 of 2024, dated 24.07.2024 on the file of the Judicial Magistrate – 1, Poonamallee in respect of condition imposed in so far relate to deposit of Rs.7,00,000/- and enlarge the petitioner on bail, pending investigation in Cr.No.27 of 2023 on the file of the Inspector of Police, CCB, Team-II, Avadi Police Station, Avadi.

For Petitioner : Mr.C.Prakasam  
For Intervenor : Mr.P.Madhivanan  
For Respondent : Mr.S.Udayakumar,  
Government Advocate (CrI.Side)

**ORDER**



CrI.O.P.No.18826 of 2024

**WEB COPY** The Criminal Original Petition is filed for modifying the condition imposed by the Judicial Magistrate – I, Poonamallee in his order dated 24.07.2024, wherein a condition to deposit Rs.7,00,000/- for availing bail has been imposed.

2.The learned counsel for the petitioner would submit that the application for bail filed under Section 167(2) of Cr.P.C was allowed but, an onerous condition to pay Rs.7,00,000/- has been laid, which has disentitled the petitioner to avail the valuable right of bail.

3.The learned counsel for the intervenor/defacto complainant submits that a sum of Rs.65,00,000/- has been cheated by this petitioner and other accused and therefore, any conditional bail will help the accused person to go scorch free.

4.On perusal of the records, this Court finds that earlier anticipatory bail was granted to the petitioner on condition to deposit Rs.10,00,000/-. The petitioner was not able to deposit Rs.10,00,000/- and he was secured by the police. When he sought for default bail, the



CrI.O.P.No.18826 of 2024

Court below has imposed a condition to deposit Rs.7,00,000/- as a pre-condition. The petitioner is not able to pay the said amount. According to him, this condition apprehends him from enjoying the bail, which he is otherwise entitled to.

5.The learned counsel for the defacto complainant/intervenor has shown apprehension that if the petitioner is granted bail without any condition, the possibility of recovering the money is removed.

6.The condition while granting bail must be pragmatic and not onerous. The fact that the petitioner was not able to deposit Rs.10,00,000/- in the earlier instant would clearly show that the condition to deposit Rs.7,00,000/- will be very onerous to him. Further, a criminal compliant cannot be converted as a forum for collecting the money. So the apprehension of the defacto complainant herein cannot be entertained at this juncture.

7.Hence, the Criminal Original Petition filed for modification of the condition imposed in CrI.M.P.No.2160 of 2024 dated 24.07.2024 by the



CrI.O.P.No.18826 of 2024

Judicial Magistrate-I, Poonamallee is partly allowed and the petitioner is now ordered to be released on bail on executing a bond for a sum of **Rs.2,00,000/-(Rupees Two Lakhs only)** with two sureties, each for a like sum to the satisfaction of the ***Judicial Magistrate -I, Poonamallee***, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**(b) the petitioner shall report before the respondent police as and when required for investigating;**

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigating or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs.***



CrI.O.P.No.18826 of 2024

*State of Kerala [(2005) AIR SCW 5560]*; and;

**WEB COPY** (f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

**27.08.2024**

Index : Yes/No

Neutral Citation : Yes/No

Tsg

To

1.The Judicial Magistrate-I, Poonamallee.

2.The Inspector of Police, CCB, Team-II,  
Avadi Police Station, Avadi.

3.The Superintendent of Prison,  
Central Jail, Puzhal, Chennai.

4.The Public Prosecutor,  
High Court, Madras.

**Dr.G.JAYACHANDRAN,J.**

Tsg



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CrI.O.P.No.18826 of 2024

CrI.O.P.No.18826 of 2024

27.08.2024