



WEB COPY



CrI.O.P.No.30480 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.30480 of 2024

Ayyappan

.... Petitioner

Vs

1.Deputy Commissioner of Police,
VOC Nagar, Chengalpattu,
Ammanambakkam,
Tamil Nadu – 603 001.

2.The State rep by its,
The Inspector of Police,
Nandhambakkam Police Station,
Chengalpattu District.
(Crime No.124 of 2024)

3.Dr.Annanthalakshmi – Founder,
Cyal Fertility and Women Center,
Manappakam, Chennai – 600 089.

.... Respondent

Prayer: Criminal Original Petitions are filed under Section 483 (1)(b) of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to modify the condition No.1 “The petitioner/accused is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) by way of Demand Draft, into the account of this Court concerned in Cr.No.124 of 2024 of Nandhambakkam Police Station” in



CrI.O.P.No.30480 of 2024

the order in CrI.M.P.No.3541 of 2024 passed by the Principal District and Sessions Judge, Chengalpattu.

For Petitioner : Mr.V.Shenaz

For Respondent : Mr.Santhosh
Government Advocate (CrI.Side)

ORDER

This Petition has been filed to modify the condition No.1 imposed on the petitioner in CrI.M.P.No.3541 of 2024 by an order dated 27.11.2024 passed by the Principal District and Sessions Judge, Chengalpattu, directing the petitioner to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) by way of Demand Draft, into the account of this Court concerned in Cr.No.124 of 2024 of Nandhambakkam Police Station.

2.The learned counsel appearing for the petitioner would submit that the petitioner was arrested on 19.10.2024 in Crime No.124 of 2024 for the offences under Sections 3(1)(xi) of SC/ST Act, Section 4 of TNPHW Act, Section 118(1), 296(b), 351(2) of BNS 2023. The petitioner filed an application for bail in CrI.M.P.No.3541 of 2024. After several days, on 27.11.2024, the petitioner was granted bail on condition that he shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) by way of Demand Draft, into the account of this



CrI.O.P.No.30480 of 2024

Court concerned in Cr.No.124 of 2024 of Nandhambakkam Police Station.

However, the petitioner has been in custody since 19.10.2024. He would submit that the Hon'ble Apex Court as well as the High Court, in several cases, held that such onerous conditions should not be imposed, when the petitioner is unable to raise the required amount. The petitioner is unable to meet the condition for release and remains incarcerated.

3. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the petitioner had cheated the defacto complainant to the tune of Rs.3,00,000/-.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. In view of the above, the condition imposed on the petitioner in CrI.M.P.No.3541 of 2024 by an order dated 27.11.2024, passed by the Principal District and Sessions Judge, Chengalpattu, is modified to the effect that the petitioner shall execute a bond for a sum of Rs.15,000/- with two sureties, each for a like sum, to the satisfaction of this Court. The condition Nos. 1 and 3 shall



CrI.O.P.No.30480 of 2024

stand deleted and all other conditions shall remain unaltered.

6. With the above direction, this Criminal Original Petition stands ordered.

05.12.2024

Index : Yes/No
Internet : Yes/No
Lpp

To

1.The Inspector of Police,
CCB – Avadi City, Avadi.

2.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J,

Lpp



WEB COPY



Crl.O.P.No.30480 of 2024

Crl.O.P.No.30480 of 2024

05.12.2024