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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P(MD)No.18344 of 2024

Balamurugan

... Petitioner

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
DCB,
Theni,
Theni District.
Crime No.21 of 2024.

... Respondent

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the condition that imposed in Cr.MP.No.7323 of 2024, on the file of the learned Judicial Magistrate, Theni, dated 08.10.2024 in so far as the 1st condition is concerned.

For Petitioner : Mr.D.S.Haroon Rasheed,

For Respondent :Mr.A.Albert James
Government Advocate (Crl.Side)



ORDER

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This Criminal Original Petition has been filed seeking modification of one of the condition imposed by the Court below while enlarging the petitioner on statutory bail.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police.

3.The petitioner was arrested and remanded to judicial custody for the alleged offences under Sections 417, 468, 471, 420 and 420 B of IPC. The investigation was not completed within the statutory period and hence the petitioner moved the application under Section 187(2) of BNSS (hereinafter referred to as new procedure code) seeking for statutory bail.

4.The Court below enlarged the petitioner on bail by imposing certain conditions. One such condition that was imposed by the Court below was that the petitioner must invest a sum of Rs.20,00,000/- in a fixed deposit and submit the FD receipt before the trial Court. The petitioner is



aggrieved by this condition imposed by the Court below.

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5.It is too well settled that such onerous condition cannot be imposed while releasing a person on statutory bail. Therefore, condition No.1 imposed by the Court below is unsustainable and the same requires the interference of this Court.

6.In the light of the above discussion, Condition No.1 imposed by the Court below directing the petitioner to deposit a sum of Rs.20,00,000/- in Fixed Deposit is hereby set aside. The other conditions imposed by the Court below shall stand as it is.

7.This Criminal Original Petition is disposed of in the above terms.

04.11.2024

Internet :Yes

Index :Yes/No

NCC :Yes/No

LR



To

1. The Judicial Magistrate,
Theni.

2. The Inspector of Police,
DCB,
Theni,
Theni District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

LR

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