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Crl.O.P.No.3393 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3393 of 2025

NAGARAJ

S/o.Sadhu, No.6,Veerabagu Nagar, Nanthivaram,
Guduvancheri, Chengalpattu District-603 202.

Petitioner(s)

Vs

The State Rep By, The Inspector Of Police,
Guduvancherry Police Station, Chengalpattu District.
Cr.No.124/2024.

Respondent(s)

PRAYER: This criminal original petition has been filed under Section 483(1)(b) of BNSS to set aside the condition in Para (1) of the bail order dated 07.01.2025 in Crl.M.P.No.14 of 2025 passed by the learned Principal District and Sessions Judge, Chengalpattu directing the petitioner to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) by way of Demand Draft, into the account of the Judicial Magistrate No.II, Chengalpattu concerned in Cr. No.124 of 2024 of Guduvancherry Police Station.

For Petitioner(s) : M/s. G. Mageshkumar

For Respondent(s) : Mr. S. Balaji, Government Advocate (Crl.Side)



Crl.O.P.No.3393 of 2025

WEB COPY

ORDER

This criminal original petition has been filed to set aside the condition in Para (1) of the bail order dated 07.01.2025 in Crl.M.P.No.14 of 2025 passed by the learned Principal District and Sessions Judge, Chengalpattu directing the petitioner to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) by way of Demand Draft, into the account of the Judicial Magistrate No.II, Chengalpattu concerned in Crime No.124 of 2024 of Guduvancherry Police Station.

2. Learned counsel appearing for the petitioner would submit that the petitioner was granted bail in Crl.M.P.No.14 of 2025 dated 07.01.2025 in connection with Crime No.124 of 2024; that while granting bail, the learned Principal District and Sessions Judge imposed the condition that the petitioner shall deposit a sum of Rs.2,00,000/- by way of Demand Draft, into the account of the Judicial Magistrate No.II, Chengalpattu in Crime No.124 of 2024; that in spite of being granted bail, the petitioner is still in judicial custody, on account the said condition; and that the said condition is onerous and the case is borne out by records, hence he prayed to set aside the aforesaid condition imposed on the petitioner.



Crl.O.P.No.3393 of 2025

WEB COPY

3. Learned Government Advocate (Crl. Side) appearing for the respondent police submits that the petitioner along with other accused cheated the defacto complainant to the tune of Rs.22,00,000/- by stating that they are the owners of the land and by forged documents executed a sale agreement in favour of the defacto complainant; that based upon the complaint of the defacto complainant, a case has been registered against the petitioner for the offences under Sections 406, 420, 294(b) and 506(i) of IPC; that thereafter, the petitioner approached the Principal District and Sessions Court for bail in Crl.M.P.No.14 of 2025 and the same was allowed on 07.01.2025, however, the petitioner had not complied with the said condition of deposit imposed on him as per the aforesaid order, therefore, opposed for this modification petition.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

5. This Court has repeatedly held that no onerous condition can be imposed while granting bail or anticipatory bail. Taking note of the facts and circumstances of the case, considering the submissions made by the learned



Crl.O.P.No.3393 of 2025

counsels on either side, this Court is of the view that the condition to deposit a sum of Rs.2,00,000/- imposed on the petitioner, while granting bail by the learned Principal District and Sessions Judge, Chengalpattu is onerous and the same is liable to be set aside.

6. Accordingly, the condition in Para (1) of the bail order dated 07.01.2025 in Crl.M.P.No.14 of 2025 passed by the learned Principal District and Sessions Judge, Chengalpattu directing the petitioner to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) by way of Demand Draft, into the account of the Judicial Magistrate No.II, Chengalpattu concerned in Crime No.124 of 2024 of Guduvancherry Police Station is hereby set aside and the other conditions imposed on the petitioner vide the aforesaid order remain unaltered.

7. Accordingly, this criminal original petition is ordered.

17.02.2025

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To
1. The State Rep By, The Inspector Of Police,
Guduvancherry Police Station,
Chengalpattu District.
Cr.No.124/2024.



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Crl.O.P.No.3393 of 2025

SUNDER MOHAN, J.

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Crl.O.P. No.3393 of 2025

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