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Crl.O.P.No.9484 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01-04-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 9484 of 2025

Jailani

Petitioner(s)

Vs

State of Tamilnadu,
Rep. by the Inspector Of Police,
Guduvancherry Police Station.
(Crime No.466 of 2023).

Respondent(s)

PRAYER: This criminal original petition has been filed under Section 528 of BNSS to modify the condition that the Petitioner/ accused is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) by way of Demand Draft drawn on any nationalized bank, into the account of the Judicial Magistrate No.II, Chengalpattu concerned in Cr. No.466 of 2023 of Guduvancherry Police Station, imposed on the petitioner in Crl.M.P.No.561 of 2025 dated 07.03.2025 passed by the learned Principal District and Sessions Judge, Chengalpattu.

For Petitioner(s) : M/s. Swami Subramanian

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



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ORDER

This criminal original petition has been filed to modify the condition imposed on the petitioner in Crl.M.P.No.561 of 2025 dated 07.03.2025 passed by the learned Principal District and Sessions Judge, Chengalpattu, directing the petitioner to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) by way of Demand Draft drawn on any nationalized bank, into the account of the Judicial Magistrate No.II, Chengalpattu concerned in Crime No.466 of 2023 of Guduvancherry Police Station.

2. The case of the prosecution is that the petitioner as an agent purchased materials from the defacto complainant; and that he had not repaid a sum of Rs.15,21,350/- to the defacto complainant. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the alleged occurrence had taken place in the year 2021; that the FIR against the petitioner was registered on 20.09.2023 and he was arrested on 08.02.2025; that the petitioner was granted bail in Crl.M.P.No.561 of 2025 dated 07.03.2025; that while granting bail, the learned Principal District and Sessions Judge



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imposed the condition that the petitioner shall deposit a sum of Rs.5,00,000/- by way of Demand Draft, into the account of the Judicial Magistrate No.II, Chengalpattu in Crime No.466 of 2023; that inspite of being granted bail, the petitioner is still in judicial custody, on account of the said condition; and that the said condition is onerous and the case is borne out by records, hence he prayed for setting aside the aforesaid condition imposed on the petitioner.

3. Learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and confirmed the fact that the alleged transactions had taken place in the year 2021; that the FIR was registered against the petitioner in the year 2023 for the offence under Section 420 of IPC; that the petitioner was arrested on 08.02.2025; that thereafter, the petitioner approached the Principal District and Sessions Court for bail in Crl.M.P.No.561 of 2025 and the same was allowed on 07.03.2025, however, the petitioner had not complied with the said condition of deposit imposed on him as per the aforesaid order, and therefore, opposed for this modification petition.

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



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5. This Court has repeatedly held that onerous condition cannot be imposed while granting bail. Taking note of the facts and circumstances of the case, considering the submissions made by the learned counsels on either side, the fact that the alleged occurrence had taken place in the year 2021, the FIR was registered in the year 2023 and since the allegation disclose non payment of money for goods supplied, this Court is of the view that the condition to deposit a sum of Rs.5,00,000/- 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 the bail order dated 07.03.2025 in Crl.M.P.No.561 of 2025 passed by the learned Principal District and Sessions Judge, Chengalpattu directing the petitioner to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) by way of Demand Draft drawn on any nationalized bank, into the account of the Judicial Magistrate No.II, Chengalpattu concerned in Crime No.466 of 2023 of Guduvancherry Police Station is hereby set aside and the other conditions imposed on the petitioner vide the aforesaid order remain unaltered.



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7. Accordingly, this criminal original petition is ordered.

01.04.2025

stn

To

1. State of Tamilnadu,
Rep. by the Inspector Of Police,
Guduvancherry Police Station.
(Crime No.466 of 2023).
2. The Principal District and Sessions Judge,
Chengalpattu.
3. The Public Prosecutor,
High Court of Madras.

Note: Issue order copy on 03.04.2025



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SUNDER MOHAN, J.

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