



Crl.R.C.(MD)No.212 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.212 of 2025

Venugopal

... Petitioner

Vs.

State rep.by
The Inspector of Police,
District Crime Branch,
Theni.

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to set aside the order passed by the learned Judicial Magistrate at Theni in Crl.M.P.No.7672 of 2024, dated 11.11.2024 by imposing condition to deposit amount in crime number.

For Petitioner : Mr.B.Michael Sebastin,
for Mr.B.Kalaiarasan.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)

: Mr.S.Balaji,
for defacto complainant.



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ORDER

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The Criminal Revision is directed against the order passed in Cr.M.P.No.7672 of 2024, dated 11.11.2024 on the file of the Judicial Magistrate Court, Theni.

2. It is not in dispute that the petitioner is the first accused in the case in Crime No.24 of 2024 on the file of the respondent police for offences under Sections 406 and 420 of IPC. Since the respondent has not filed the charge sheet within the time stipulated, the petitioner has moved an application for statutory bail under Section 187(3) of BNSS. The learned Magistrate, considering the objections raised by the respondent and also taking note of the fact that the charge sheet has not been filed within time, has granted statutory bail by imposing conditions, which includes that the petitioner has to deposit a sum of Rs.20,00,000/-, which is now under challenge.

3.Mr.S.Balaji, learned counsel appearing for the defacto complainant would submit that he was not heard before the learned Judicial Magistrate and he is having objections.



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4. Since the above petition filed for statutory bail, this Court is not inclined to grant any time for filing impleadment petition.

5. Admittedly, charge sheet has not been filed till now. Hence, the learned Magistrate has rightly granted statutory bail. It is settled law that while granting statutory bail any condition to deposit money cannot be imposed and that too, an onerous condition of direction to deposit Rs.20,00,000/-, and as such, the very condition imposed is against the legal position settled by the Hon'ble Supreme Court in a catena of decisions.

6. The learned Government Advocate (Criminal Side) appearing for the State would submit that stringent conditions may be imposed.

7. But as rightly contended by the learned counsel for the petitioner, the learned Magistrate has himself imposed stringent condition directing the petitioner to appear before the respondent police twice a day and also restraining him from travel to abroad or to other States.



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8.Considering the facts and circumstances of the case, this Court is inclined to set aside the impugned first condition.

9. In the result, the Criminal Revision Case is allowed and the impugned first condition in Crl.M.P.No.7672 of 2024, dated 11.11.2024 is set aside and the other conditions imposed therein shall remain unaltered.

20.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Judicial Magistrate at Theni.
- 2.The Inspector of Police,
District Crime Branch, Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.R.C.(MD)No.212 of 2025

Dated: 20.02.2025