

CRL OP(MD) No. 3973 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP(MD) No. 3973 of 2025

Mathavan

... Petitioner

Vs

The State of Tamil Nadu,
rep. by the Inspector of Police,
Cyber Crime Police Station,
Theni District.
Crime No.26 of 2024

... Respondent/Complainant

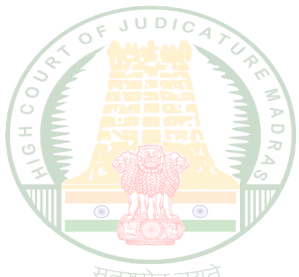
Prayer: Criminal Original Petition filed under Section 483(1) of BNSS, to modify the condition No.(i) stipulated in CrI.M.P.No.277 of 2025 on the file of the Judicial Magistrate, Theni dated 31.01.2025.

For Petitioner : Mr.S.Baskar Mathuram

For Respondent : Mr.S.S.Manoj
Government Advocate (CrI. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 27.02.2025 seeking to modify the condition of depositing a sum of Rs.2,00,000/- imposed in the bail order dated 31.01.2025 passed by the learned Judicial Magistrate, Theni in



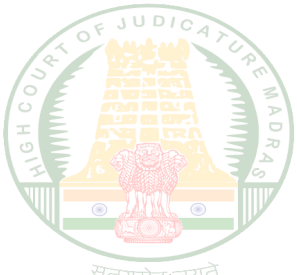
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Crl.M.P.No.277 of 2025.

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2. Mr.S.Baskar Mathuram, learned counsel appearing for the petitioner, submits that the respondent-police registered a case against the petitioner and others in Crime No.26 of 2024 for the offences punishable under Section 66 of the Information Technology Act, 2000 and Section 318 of the Bharatiya Nyaya Sanhita (BNS), 2023. The respondent-police did not file charge sheet as stipulated under Section 187 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Hence, the petitioner filed an application under Section 187 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and the same was allowed subject to the conditions. While granting statutory bail under Section 187 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to the petitioner, the learned Judicial Magistrate has directed the petitioner to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in Crime No.26 of 2024. He further submits that the petitioner is unable to comply with Condition No.(i) due to his financial crisis. Hence, he prays for a modification of the said condition.

3. Mr.S.S.Manoj, learned Government Advocate (Crl. Side), appearing for the respondent-police, submits that in this case, there was a bank transaction involving nearly Rs.49,07,118/-. The Trial Judge, after considering these aspects, imposed



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Condition No.(i), which does not require any modification. Accordingly, he prays to sustain the order passed by the learned Judicial Magistrate.

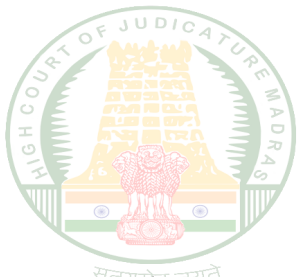
4. Heard on both sides. This Court has perused the records.

5. On perusal of the bail order, it is seen that the learned Judicial Magistrate, Theni, while granting statutory bail to the petitioner, directed the petitioner to deposit a sum of Rs.2,00,000/- in Crime No.26 of 2024. This Court is of the view that the said condition is an onerous one. It is settled law that while granting statutory bail, the Court cannot impose such an onerous condition. Hence, this Court is inclined to delete Condition No.(i) in its entirety. Accordingly, Condition No.(i) imposed by the learned Judicial Magistrate, Theni, in Crl.M.P.No.277 of 2025 *vide* order dated 31.01.2025, is hereby deleted.

6. To the above extent, this Criminal Original Petition is ordered. The other conditions shall hold good.

7. It is needless to mention that the respondent-police is at liberty to invoke the

Criminal Law Amendment Ordinance, 1944 as amended by the Criminal Law (Tamil



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Nadu Amendment) Act, 1997, if the petitioner has any immovable property [See
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V.Sundaram Vs. The Deputy Superintendent of Police and another, reported in *CDJ*
2015 MHC 4990, which was referred and followed in *Mrs.S.Nithya Vs. State rep. by*
the Inspector of Police, Central Crime Branch, Chennai, in *Crl.R.C.No.1267 of 2016*,
order dated *17.05.2017*].

sd/-
03/03/2025

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03/03/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

1 THE JUDICIAL MAGISTRATE
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI.

3 THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.INDRACHITHU, Advocate (SR-2281[I] dated 03/03/2025)



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ORDER

IN

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Date :03/03/2025

SS/SAR- /03/03/2025/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023