



CRL OP(MD) No. 6250 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP(MD) No. 6250 of 2025

Vishal

... Petitioner

Vs

The State of Tamil Nadu,
rep. by the Inspector of Police,
Cyber Crime,
Theni.
Crime No.34 of 2024

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 483(1)(5) of BNSS read with Section 528 of BNSS, 20230 to modify the condition No.1 that the petitioner shall deposit a sum of Rs.10,00,000/- as Fixed Deposit, imposed upon the petitioner in Crl.M.P.No.130 of 2025 on the file of the Judicial Magistrate, Theni dated 21.01.2025 and consequently extend the time to execute the sureties to comply the orders of this Court.

For Petitioner : Mr.G.Sarathkumar

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



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ORDER

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This Criminal Original Petition has been filed by the petitioner on 02.04.2025 seeking to modify the condition of depositing a sum of Rs.10,00,000/- imposed in the bail order dated 21.01.2025 passed by the learned Judicial Magistrate, Theni in CrI.M.P.No.130 of 2025.

2. Mr.G.Sarathkumar, learned counsel appearing for the petitioner, submits that the respondent-police registered a case against the petitioner and others in Crime No.34 of 2024 for the offences punishable under Section 66D of the Information Technology Act, 2000 and Section 318(4) of the Bharatiya Nyaya Sanhita (BNS), 2023. The petitioner was arrested and is in judicial custody from 07.11.2024. 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(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and the same was allowed subject to the conditions. While granting statutory bail under Section 187(3) 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.10,00,000/- (Rupees Ten Lakhs only) in Crime No.34 of 2024. Feeling aggrieved over the condition imposed by the learned Judicial Magistrate, Theni, the petitioner moved an application in CrI.M.P.No.637 of 2025 for modification of the



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said condition. The learned Principal Sessions Judge, Theni, vide order dated 18.03.2025, dismissed the said petition. The learned counsel 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 view of the gravity of offence, if the condition No. (i) is modified, the petitioner may abscond. 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.10,00,000/- in Crime No.34 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.130 of 2025 vide order dated 21.01.2025, is hereby deleted.



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

7. In view of the above order, the petitioner shall produce sureties within a period of 15 days from the date of receipt of a copy of this order.

sd/-
04/04/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To
1.The Judicial Magistrate,
Theni
2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
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.G.SARATHKUMAR, Advocate (SR-3925[I] dated 04/04/2025)



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ORDER
IN
CRL OP(MD) No.6250 of 2025
Date :04/04/2025

MK/SAR /04.04.2025 5P/6C

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