

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No.654/2020
[@ SLP (Cr1) No.2551/2020]

A.N. MAHESH

Appellant(s)

VERSUS

STATE REP. BY THE INSPECTOR OF POLICE & ANR. Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the appellant as well as learned counsel for the State.

This appeal has been filed against judgment and order dated 08.05.2020 passed by the High Court of Judicature at Madras in Cr1.O.P No.7444 of 2020, by which the High Court vide order dated 08.05.2020 granted bail on conditions mentioned in para 12 of the judgment of the High Court.

The appellant aggrieved by condition (b) of para 12 has come up in this Court by way of special leave petition. The condition 12(b) is onerous and could not be fulfilled.

Learned counsel for the appellant submits that although counsel for the appellant, before the High Court, submitted that he will deposit the title deeds but no submission was made that he will deposit the title deed of properties worth Rs.5 crores. He further submits that accused T. Sivasubramanian, who was Assistant General

Manager at the time when loan was granted, has been granted bail by the High Court vide its order dated 11.05.2020 wherein under condition 12(b), he was directed to deposit original title deeds of the properties of not less than value of Rs.1 crore, whereas appellant, who has neither taken any loan nor had any account in the bank, had been asked to deposit Rs.5 crores. The condition 12(b) imposed on the appellant is a onerous condition.

Shri Pratap Venugopal, learned counsel appearing for respondent no.2 submits that appellant, after filing this appeal, has moved an application before the High Court for modification of condition 12(b), which application was subsequently withdrawn by the appellant. He submitted that counsel for the appellant having made an offer before the High Court to deposit title deeds, he cannot now go back from the said statement.

We have considered the submissions of learned counsel for the parties and perused the record.

The order dated 11.05.2020 has been brought on the record by which the High Court has granted bail to co-accused T. Sivasubramanian, although similar condition 12(b) has been imposed but the title deeds of properties required to be filed are of not less than value of 1 crore.

In the facts of the present case, we are of the view that the bail application of the appellant need to be considered afresh by the High Court. The order dated 08.05.2020 is set aside to enable the High Court to

consider the bail application of the appellant afresh at an early date.

The appeal stands disposed of accordingly.

.....J.
[ASHOK BHUSHAN]

.....J.
[R. SUBHASH REDDY]

.....J.
[M.R. SHAH]

New Delhi;
October 7, 2020.

ITEM NO.14 Court 4 (Video Conferencing) SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) No(s).2551/2020

(Arising out of impugned final judgment and order dated 08-05-2020 passed by the High Court Of Judicature at Madras in CrI.O.P. No.7444 of 2020)

A.N. MAHESH

Appellant(s)

VERSUS

STATE REP. BY THE INSPECTOR OF POLICE & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.51058/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.95970/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.54171/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 07-10-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s)

Mr. Ratnakar Dash, Sr. Adv.
Mr. G. Sivabalamurugan, AOR
Mr. Selvaraj Mahendran, Adv.

For Respondent(s)

Mr. M. Yogesh Kanna, AOR
Mr. Rajarajeswaran, Adv.

Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Akhil Abraham Roy, Adv.
M/S. K J John And Co, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER

(signed order is placed on the file)