

CASE NO.:  
Appeal (crl.) 105-106 of 2008

PETITIONER:  
N. JOTHI

RESPONDENT:  
ADDL.DIRECTOR GENL.OF POLICE & ANR

DATE OF JUDGMENT: 15/01/2008

BENCH:  
CJI K.G. BALAKRISHNAN & R.V. RAVEENDRAN

JUDGMENT:  
JUDGMENT  
O R D E R

CRIMINAL APPEAL NOS.105-106 OF 2008  
(@SPECIAL LEAVE PETITION (CRL.)NOS.8205-8206 OF 2007)

Leave granted.

2. Heard both sides.

3. The second respondent herein had originally filed a complaint and on the basis of that complaint the police had registered a case against the appellant herein under Sections 109, 409, 420 IPC and 13(1)(c), 13(1)(d)(ii) and (iii) of the Prevention of Corruption Act, 1988.

4. The appellant, a Member of the Bar and Member of Parliament had moved an application for anticipatory bail. Learned Single Judge, by order dated 3.12.2007, was pleased to grant anticipatory bail subject to the condition that the appellant should deposit a sum of Rs.10,27,504/- before the Principal Sessions Judge, Chennai within four weeks.

5. The appellant submits that the condition should not have been imposed as it is not a case where the complainant has made any claim against the appellant accused. There is also

some confusion as to whether the learned counsel for the appellant volunteered to deposit such amount or whether the said amount was specified at the instance of the State counsel and counsel for Intervenor. Be that as it may. The appellant is a sitting M.P. and this condition is unnecessary to ensure his presence. So we delete the first condition imposed by the High Court regarding deposit of the above mentioned sum by the appellant. As a consequence, the second condition is also modified directing the appellant to execute a bond for a sum of Rs.25,000/- with one surety for a like sum, to the satisfaction of the Principal Sessions Judge, Chennai. In other respects, the order passed by the learned Single Judge is upheld. The appeals are disposed of accordingly.