



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

CrI.O.P(MD)No.11857 of 2015

1.Sivaraman
2.Jeyapaul

... Petitioners/Petitioners/
Accused Nos. 1 and 2

Vs.

The State rep by
the Inspector of Police,
Vallendur Police Station,
Madurai District
(In Crime No.42 of 2015)

... Respondent/Complainant

Prayer:Criminal Original Petition is filed under Section 439(i) (b) of Cr.P.C praying to modify the condition imposed by the learned Principal District and Sessions Judge, Madurai, Cr.M.P.No. 3771 of 2015 dated 10.06.2015.

For Petitioners	: Mr.S.Balaji
For Respondent	: Mr.K.V.Rajarajn Government Advocate (CrI.side)
For Intervenor	: Mr.Arockia Selva Ramesh

O R D E R

This Criminal Original Petition has been filed seeking for modification of the condition imposed in Cr.M.P.No.3771 of 2015 by the learned Principal District and Sessions Judge, Madurai, dated 10.06.2015.

2.The petitioners were granted anticipatory bail by the learned Sessions Judge imposing condition to surrender the Harvesting Vehicle to the police.

3. The learned counsel for the petitioners submitted that the petitioners sought financial assistance from the defacto complainant and purchased the Harvesting Vehicle during the year 2010 and they were paying installments regularly but the finance company made a false complaint alleging that the petitioners have dismantled the machine. The learned counsel further submitted that out of Rs.13 lakhs, the petitioner have already paid Rs.8 lakhs and they are ready to pay the balance amount of Rs. 6 lakhs and if the Harvesting Vehicle is surrendered to the respondent police, it would be like a kite in sun and rain, which will cause great loss and mental agony to the petitioners.



4. Per contra, the learned counsel for the intervenor vehemently opposed the modification petition stating that the harvesting vehicle was dismantled by the accused and it could not be produced before the respondent police. The learned counsel further submitted that the petition has no merit and the petition is liable to be dismissed. It is further submitted that on the date of filing of the complaint the accused are liable to pay more than Rs.14 lakhs and the case in Crime NO.41 of 2014 was registered and after completion of investigation, charge sheet has been laid and the same was taken on file in C.C.No.49 of 2015 against the petitioners.

5. Heard the learned Government Advocate appearing for the State.

6. The learned counsel for the petitioners submitted that the petitioners are ready to produce the Harvesting Vehicle before the lower court at the time of execution of sureties.

7. Considering the submission of the learned counsel for the petitioners, it is ordered that on production of Harvesting Vehicle, the concerned court shall accept the sureties and return the vehicle to the petitioner. It is open to the financial company to take action as per law. This petition is ordered accordingly. Time is extended by two weeks from the date on which the order copy is made ready to furnish sureties.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

ses

1.The Principal District and Sessions Judge, Madurai.

2.The Inspector of Police,Vallendur Police Station,
Madurai District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.S.BALAJI, ADVOCATE IN SR NO.533005

+1CC TO MR.AROCKIA SELVA RAMESH,ADVOCATE IN SR NO.533056

Cr1.O.P.No.11857 of 2015
01.07.2015

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