

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3615 of 2016

1.K.Madasamy
2.M.Prema
1 & 2

.. Petitioners/Accused

Vs.

State by:

The Sub Inspector of Police
Central Crime Branch II,
EDF-III, Vepery,
Chennai - 600 008.

... Respondent

Prayer:- Petition has been filed under Section 482 of Cr.P.C. to modify the conditions passed in Crl.M.P.No.141 of 2016 in Crime No.172 of 2015 by the learned Principal Sessions Judge at Thiruvallur dated 06.02.2016.

For Petitioner : Mr.P.Jesus Moris Ravi
For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

This petition is filed to modify the condition imposed on the petitioners in Crl.M.P.No.141 of 2016, dated 06.02.2016 on the file of the Principal Sessions Judge at Thiruvallur

2.Learned counsel for the petitioners submits that the petitioners who were arrayed as A1 and A2 were granted anticipatory bail by the learned Principal Sessions Judge, Thiruvallur in Crl.M.P.No.141 of 2016 by imposing six conditions. One such condition is that the petitioners were directed to pay Rs.13.5 lakhs to the defacto complainant on or before 19.02.2016 and another condition is that on production of the receipt for payment of Rs.13.5 lakhs, the learned Judicial Magistrate No.I, Poonamallee shall release the petitioners getting a bond from each petitioners for Rs.5 lakhs each and two sureties each for a likesum and one of the surety must be the blood relative of the petitioners. He further submitted that the petitioners are ready to pay Rs.8.5 lakhs by way of Demand

Draft and he would also submit that the petitioners are unable to get the sureties for the value of Rs.5 lakhs. Hence, the above petition has been filed seeking for modification.

3. Resisting the same, the learned Additional Public Prosecutor would submit the petitioners are not only involved in this case but they were involved in so many cases and Non-bailable warrant has been issued against them. He would also submitted that the total amount cheated by the petitioners is Rs.68,33,000/- and in the petition itself they have admitted that they owe Rs.13.5 lakhs. On that basis only, the Trial Court has passed an order directing them to pay Rs.13.5 lakhs to the defacto complainant. He further submitted that since the petitioners involved in so many cases, after executing the bond for lesser amount and if they were granted anticipatory bail, they may involve in some other crime. Hence, he pray for dismissal of the petition.

4. Considered the rival submissions made by both sides and perused the typed set of papers.

5. The Trial Court while granting anticipatory bail to the petitioners imposed six conditions. At this juncture, it is appropriate to incorporate conditions Nos.1 and 3, which is as follows:

(1) they shall pay the admitted debt of Rs.13.5 lakhs to the defacto complainant on or before 19.02.2016.

(3) on production of the receipt for payment of Rs.13.5 lakhs the learned Judicial Magistrate No.1, Poonamallee shall release the petitioners getting a bond from each petitioners for Rs.5 lakhs each and two sureties each for alike sum and one of the surety must be the blood relative of the petitioners.

6. In respect of condition No.(1), in the petition itself the petitioners have admitted that they owe Rs.13.5 lakhs and also undertakes to pay the admitted amount. On that basis only, the Trial Court has passed an order directing the petitioners to pay Rs.13.5 lakhs to the defacto complainant. Hence, I do not find any reason to reduce the amount. So, the condition No.(1) stands good and there is no need for any modification of the condition.

7. In respect of condition No.(3), the petitioners are not only accused in this case but also involved in so many cases and Non-bailable warrant was pending against them in several cases. Therefore, the petitioners shall execute a bond for Rs.2.5 lakhs each instead of Rs.5 lakhs and two sureties each for alike sum and one of the surety must be the blood relative of the

petitioners within fifteen days from the date of receipt of a copy of this order.

8.Criminal Original Petition is disposed of accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Sub Inspector of Police
Central Crime Branch II,
EDF-III, Vepery,
Chennai - 600 008.

2.The Principal Sessions Judge,
Thiruvallur.

3.The Public Prosecutor, High Court,
Chennai.

+2 ccs to M/s.P.Jesus Moris Ravi Advocate sr.10464

Crl.O.P.No.3615 of 2016

aa18/02/2016

सत्यमेव जयते

WEB COPY