

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.9497 of 2016

1.Yaamin
2.Tofik Bisalpura
3.Imran Bisalpura

... Petitioners/Accused

Vs

State rep by
The Inspector of Police,
DCB, Vellore Police Station. ... Respondent/Complainant

Criminal Original Petition filed under Section 439[1][b] r/w 482 of Cr.P.C., praying to modify the conditional order dated 28.03.2016 in Crl.M.P.No.664 of 2016 on the file of the learned Principal District and Sessions Judge, Vellore.

For Petitioners : No appearance

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to to modify the conditional order dated 28.03.2016 in Crl.M.P.No.664 of 2016 passed by the learned Principal Sessions Judge, Vellore.

2. On account of boycott of Courts, there is no representation on the side of the petitioners. However, in Harish Uppal [Ex.Capt.] Vs Union of India reported in [2003] 2 SCC 45, the Hon'ble Supreme Court has held that boycott of Courts is illegal and therefore, this Court went through the records and passed orders, on hearing the submissions of learned Additional Public Prosecutor.

3. It is seen that these petitioners were granted anticipatory bail in Crl.M.P.No.664 of 2016 on 28.03.2016 by the learned Principal Sessions Judge, Vellore for an offence under Section 420 IPC. It is the allegation of the de facto complainant that these petitioners had collected Rs.67,00,000/- to send 31 passengers to HAJ and UMRA and cheated them. Under such circumstances, the Sessions Court had granted anticipatory bail to the petitioners, on condition that they should deposit a sum of Rs.7,00,000/- each to the

trial Court. Challenging which, the petitioners are before this Court.

4. The Hon'ble Supreme Court in Sumit Mehta Vs State [NCT of Delhi] reported in [2013]15 SCC 570, has held that the Court has been granted power to pass conditional orders depending upon the facts and circumstances of the case. In the present case, it is alleged that these petitioners had cheated HAJ pilgrims.

5. This Court is of the view that the condition imposed by the Sessions Court is correct. In the result, this petition stands dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District and Sessions Judge,
Vellore.

2.The Inspector of Police,
DCB, Vellore Police Station.

3.The Public Prosecutor,
High Court, Madras.

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