



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eleventh day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL MP(MD) No.11043 of 2016

IN

CRL OP(MD) No.20649 of 2016

T.RAJU

..PETITIONER/PETITIONER

Vs.

STATE REP.BY

1 THE INSPECTOR OF POLICE

KALIYAKKAVILAI POLICE STATION,

KANYAKUMARI DISTRICT.

(CRIME NO.454/2016)

2 M.D.M.JAMES

..RESPONDENTS/RESPONDENTS

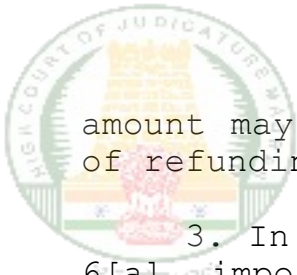
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition imposed by this Honble court in Crl.OP(MD) No.20649 of 2016 dated 01.11.2016 with regard to the condition that the learned Magistrate shall issue notice to the defacto complainant and refund the amount of Rs.1 Lakshs to be deposited by the petition to the defacto complainant.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.D.SRINIVASARAGAVAN, Advocate for the petitioner and of M/s.S.PRABHA, Government Advocate (Crl.Side) on behalf of the 1st Respondent, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Government Advocate [Criminal Side] for the respondent.

2. Learned counsel for the petitioner would submit that this Court, while granting anticipatory bail to the petitioner, imposed one of the conditions that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned Judicial Magistrate No.1, Kuzhithurai to the credit of Crime No.454 of 2016 within a period of fifteen days from the date of receipt of a copy of this order without prejudice to his defence in the criminal case and on such deposit, the learned Magistrate shall issue notice to the defacto complainant and refund the same to the defacto complainant.

2.1. He would further submit that if the amount, being deposited, is allowed to be refunded to the defacto complainant, it will certainly cause prejudice to the petitioner and therefore, the



amount may be ordered to be kept in a fixed deposit scheme instead of refunding it to the defacto complainant.

3. In view of the above submission, the condition, viz., Clause 6[a], imposed in the order dated 01.11.2016, is hereby replaced as under:

"6[a] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned Judicial Magistrate No.I, Kuzhithurai to the credit of Crime No.454 of 2016 within a period of 15 days from the date of receipt of a copy of this order without prejudice to his defence in the criminal case and on such deposit, the Trial Court shall invest the same in anyone of the Nationalized Banks under Fixed Deposit scheme, renewable every year till the issue is decided in one way or the other by it."

4. Except with the above modification, other conditions imposed shall stand unaltered. Time for compliance of the conditions is extended for a period of two weeks from the date on which the order copy is made ready.

sd/-

11/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI, KANYAKUMARI DISTRICT.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, KALIYAKKAVILAI POLICE STATION, KANYAKUMARI DISTRICT.

+1. C.C. to M/S.D.SRINIVASARAGAVAN Advocate SR.No.68045

ORDER IN
CRL MP(MD) No.11043 of 2016
IN
CRL OP(MD) No.20649 of 2016
Date :11/11/2016

PBK/EM-MPA/SAR-I 17/11/2016 ::2P-6C: