



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

Monday, the Eighteenth day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL MP(MD) No.3173 of 2016 IN
CRL.OP(MD)NO.3439 OF 2016

1 ARJUNAN
2 GANESAN
3 RAMESH
4 CHITRA
5 LAKSHMI

... PETITIONERS/PETITIONERS

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KALLAL POLICE STATION, SIVAGANGAI DISTRICT.
(CRIME NO.146 OF 2015)

... RESPONDENT/RESPONDENT

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 on the petitioners by this Honourable Court by its order dated 26.02.2016 in Crl.O.P.(MD) No. 3439 of 2016.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MUTHUKUMAR, Advocate for the petitioner and of M/S.P.KANNITHEVAN, the Government Advocate(Crl.Side) on behalf of the Respondent the Court made the following order:-

This petition has been filed to modify the condition imposed on the petitioners by this Court on 26.02.2016 made in Crl.O.P(MD) No.3439 of 2015.

2. This Court, by an order dated 26.02.2016, passed the following orders:-

"(i) the petitioners/ accused 1 to 5 shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.46 of 2015, on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District.

(ii) the petitioners/accused 1 to 5 shall report before the respondent police as and when required for interrogation.

(iii) the petitioners/ accused 1 to 5 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners/ accused 1 to 5 shall not abscond either during investigation or trial.



(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners/ accused 1 to 5 in accordance with law as if the conditions have been imposed and the petitioners/ accused 1 to 5 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.KJ.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

3. The learned counsel for the petitioners would contend that A1 to A5 returned back Rs.75,000/- to the de-facto complainant and according to the de-facto complainant, the balance amount is only Rs.35,000/- and the petitioners are ready to deposit a sum of Rs.35,000/-. Hence, the first condition already imposed by this Court has to be modified.

4. Heard the learned Government Advocate (crl.side) appearing for the State.

5. On a careful reading of the earlier order, it is seen that this Court, after considering all these aspects, ordered that the petitioners deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.46 of 2015, on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District. Therefore, there is no reason to interfere with the reasoned order passed by this Court. Accordingly, this petition is dismissed.

sd/-
18/04/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, KARAIKUDI,SIVAGANGAI DISTRICT
2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4.THE INSPECTOR OF POLICE, KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.
RL/5C/2P/SKS/RR/ARI/22/4/2016

ORDER
IN
CRL MP(MD) No.3173 of 2016
IN CRL.OP(MD)NO.3439 OF 2016
Date :18/04/2016