

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.12920 of 2017

IN CRL OP.18095/2017

S.CHANDRA MOHAN

[PETITIONER]

Vs

THE STATE REP. BY ITS
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT,
CR.NO.3 OF 2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased To modify the Anticipatory Bail condition (a) imposed on the Petitioner in Crl.O.P. No.18095 of 2017 by order dated 15.09.2017 on the file of this Honourable Court

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.GREETHA SENTHILKUMAR, Advocate for the petitioner and of MR.K. MADHAN, Government Advocate (Crl.Side) , and of MR. M. PALANIVEL, Intervenor, on behalf of the Respondent the court made the following order:-

This Court, while granting anticipatory bail to the petitioner in Crl. O.P. No.18095 of 2017 imposed certain conditions of which condition No.6 (a) is relevant, which is as below :-

"(b) The petitioner shall deposit a sum of Rs.30,00,000/= (Rupees Thirty Lakhs only) to the credit of the case in Crime No.3 of 2017 before the learned Judicial Magistrate No.I, Nagapattinam without prejudice to his defence in trial. The person authorized by the Financial Institution shall make out an application for payment and the learned Magistrate shall, on proper identification, disburse the amount."

2. This petition has been filed by the petitioner for modification of the above condition on the ground that if the sum of Rs.30 Lakhs is paid to the financial institution, it will cause undue prejudice to the case of the accused.

3. Ms.Greetha Senthilkumar, learned counsel appearing for the accused contended that the accused is ready to deposit the amount, but the condition relating to disbursement of the said amount to the financial institution requires to be modified.

4. Per contra, Mr.Palanivel, learned counsel for the defacto complainant submitted that the petitioner had siphoned off huge amounts from the financial establishment on account of which the depositors are thronging at the place of business and are asking for return of deposits.

5. This Court gave its anxious consideration to the rival submissions.

6. After perusing the FIR and hearing both sides, this Court was not inclined to grant the relief of anticipatory bail to the petitioner and this Court was about to dismiss the anticipatory bail application. However, the petitioner came forward to pay Rs.30 Lakhs unconditionally and, therefore, this Court granted the relief of anticipatory bail with the abovesaid direction.

7. In para-5 of the order dated 15.9.17, this Court has discussed the impact that would have on the business of the financial establishment. Since the petitioner came forward to deposit the amount of Rs.30 Lakhs, the relief of anticipatory bail was granted. Therefore, in the above circumstances, this Court is not inclined to modify condition No.6 (a) imposed vide the order dated 15.09.2017. However, two weeks time is extended for complying with the condition as noted above failing which the anticipatory bail that was granted vide order dated 15.9.17 will stand automatically cancelled and it will be open to the police to arrest the petitioner and recover the monies that is alleged to have been stashed away by him.

8. This petition is ordered in above terms.

-sd/-
24/10/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO. 1, NAGAPPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP. BY ITS
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPPATTINAM DISTRICT,
CR.NO.3 OF 2017.

+1C.C. to M/S.GREETHA SENTHILKUMAR Advocate on payment of
necessary charges SR.NO. 19741

Order

in
CRL MP.12920/2017

in
CRL OP.18095/2017

Date :24/10/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

EGR 26/10/2017