

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.2444 of 2017

and

Crl.M.P.No.1723 of 2017

1.T.Senthilkumar

2.D.Mohan Raj ... Petitioners/Accused 4 and 9

Vs

State represented by
The Inspector of Police,
CCIW Villupuram Police Station,
Villupuram District. Respondent/Complainant

Criminal Original Petition filed under Section 439(1b) r/w 482 of Cr.P.C. to modify the conditions imposed upon the petitioners by the learned Principal Sessions Judge, Villupuram in Crl.M.P.No.219 of 2017 dated 10.01.2017 in Cr.No.6 of 2016.

For Petitioners: Ms.V.Sasi Rekha

For Respondent : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed to modify the conditions imposed upon the petitioners by the learned Principal Sessions Judge, Villupuram in Crl.M.P.No.219 of 2017 in Cr.No.6 of 2016 dated 10.01.2017.

2. The case of the petitioners is that they were arrayed as A4 and A9 in a case in Crime No.6 of 2016 for the alleged offences punishable under Sections 120(B), 408, 420, 468, 471 and 477(A) IPC. Apprehending arrest, they filed a petition in Crl.MP.No.219 of 2017 before the learned Principal Sessions Judge, Villupuram, seeking an order of anticipatory bail, which was granted, by an order dated 10.01.2017. While ordering anticipatory bail to the petitioners, the learned Sessions Judge, imposed certain conditions, one of which is to deposit a title deed for the value of Rs.2 lakhs each as

security before the lower court. Aggrieved over the said condition, the petitioners have come up with the present petition for the above stated relief.

3. Learned counsel for the petitioners submitted that the petitioners are in no way connected with the alleged commission of the offences and they have been falsely implicated in the said case. Learned counsel further submitted that the petitioners had pledged their gold jewels in the co-operative society, but the appraiser concerned with the connivance of his men, has manipulated and replaced the original jewels with bogus one. Learned counsel also submitted that by order of this Court dated 05.01.2017 in Crl.O.P.No.18 of 2017, A10 was granted anticipatory bail with usual conditions and there was no condition relating to security deposit. The learned counsel further submitted that this Court, in Crl.O.P.No.1199 of 2017 dated 27.01.2017 has modified the order passed by the learned Principal Sessions Judge, Villupuram in Crl.M.P.No.6883 of 2016 relating to the same crime number (Crime No.6 of 2016) in respect of A11 relaxing the condition with regard to deposit of a sum of Rs.2 lakhs as security. Stating so, she prayed that the same order may be passed in the present case, by modifying the conditions imposed on the petitioners herein by the learned Sessions Judge, with regard to the deposit of Rs.2,00,000/- each as security.

4. Heard the learned Additional Public Prosecutor for the respondent, who fairly agreed with the orders so passed by this Court in respect of co-accused.

5. Considering the facts and circumstances of the case and also taking note of the orders passed by this Court in respect of A10 and A11 as referred to above, this Court is inclined to modify the order impugned herein.

6. Accordingly, the order dated 10.01.2017 in Crl.M.P.No.219 of 2017 in Cr.No.6 of 2016 passed by the learned Principal Sessions Judge, Villupuram is modified as follows:

"The petitioners are ordered to be released on bail in the event of arrest or surrender before the concerned Judicial Magistrate within a period of 10 days from the date of receipt of a copy of this order, on their executing a bond for Rs.10,000/- each with two sureties each for a like sum to the satisfaction of Judicial Magistrate, Kallakurichi and on condition that the petitioners shall appear before the respondent police daily at 10.00 am until further orders and further that the petitioners shall appear before the investigation officer for interrogation whenever required and not to tamper with the witnesses either directly or indirectly in the mean while."

7. With the above modification, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

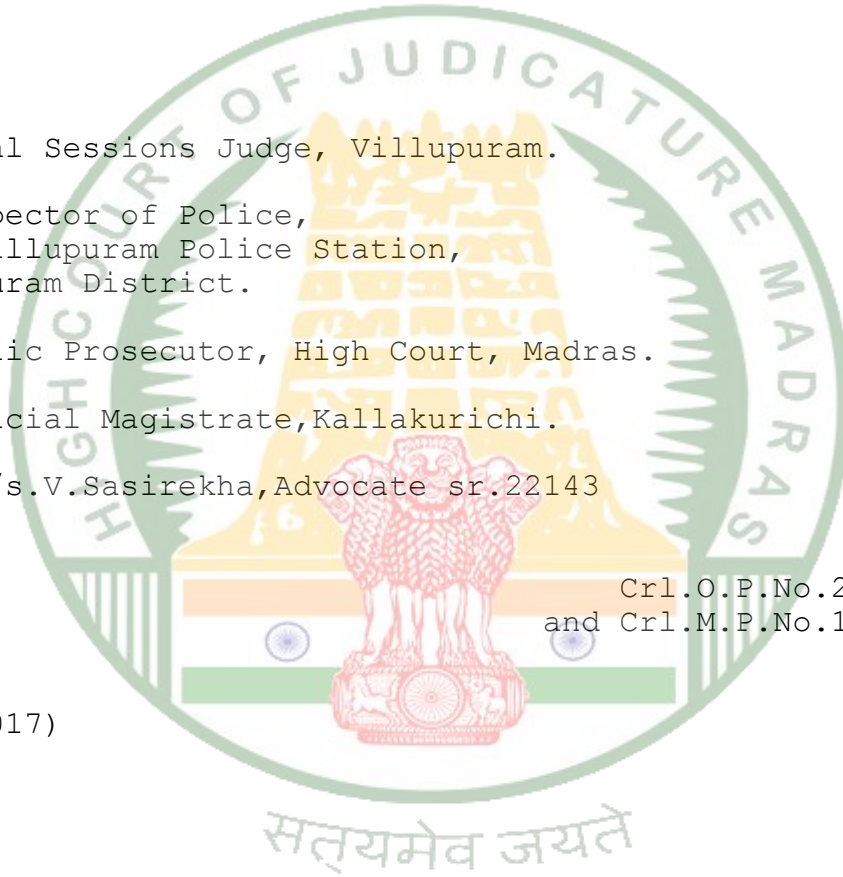
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To

- 1.Principal Sessions Judge, Villupuram.
 - 2.The Inspector of Police,
CCIW Villupuram Police Station,
Villupuram District.
 - 3.The Public Prosecutor, High Court, Madras.
 - 4.The Judicial Magistrate,Kallakurichi.
- +1cc to M/s.V.Sasirekha,Advocate sr.22143

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vsn(co)
ss(21/4/2017)



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