

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4053 of 2017

Sagadevan

... Petitioner

Versus

State rep by,
The Inspector of Police,
CCIW, CID,
Dharmapuri.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to modify the condition imposed on petitioner in Crl.M.P.No.64 of 2017, dated 31.01.2017 by the learned Principal Sessions Judge, Dharmapuri.

For Petitioner : G.Mohammed Aseef

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते

ORDER

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This petition has been filed seeking to modify the condition imposed by the Court below, while granting the Anticipatory Bail to the petitioner.

2.The respondent Police has registered an F.I.R in Crime No.5 of 2016 for the offence under Sections 408, 468, 471, 477(A) and 120(B) of IPC. The

petitioner has been arrayed as A1 and he is the Secretary Incharge of the Cooperative Society.

3.As per the allegations contained in the complaint, a total amount of Rs.1,38,20,379/- has been swindled from the society. The learned counsel for the petitioner would submit that the petitioner has already deposited a sum of Rs.39,00,000/-, hence, he is not in a position to deposit a sum of Rs.2.00,000/-, which was imposed as a condition by the Court below.

4.The learned Additional Public Prosecutor would submit that the Court below took into consideration, the total amount that was swindled by the accused persons and the Court below has imposed a reasonable condition against the petitioner while granted Anticipatory Bail and this Court should now interfere with the condition imposed by the Court below. It is seen from the records that the order of the Court below was passed on 31.01.2017 and this Criminal Original Petition was also filed in the year 2017 itself. However, since the original bundle could not be traced for a long time, the case itself came to be listed for hearing only on 30.11.2018. The petitioner has successfully not complied with the order of the Court below for nearly two years.

5.Considering the allegations made in the complaint and the total amount that is involved in this case, this Court is of the considered view that the order of the Court below is perfectly correct and there is no scope for interfering with the condition imposed by the Court below.

6.In the result this Criminal Original Petition stands dismissed and four weeks time to deposit the sum of Rs.2 lakhs imposed as a condition by the Court below. If the petitioner fails to comply with this condition, the Anticipatory Bial granted in favour of the petitioner was stand automatically cancelled and the respondent Police will at liberty to proceed further against the petitioner.

12.12.2018

Index: Yes/No

Internet: Yes/No

vv2/msv

सत्यमेव जयते

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N.ANAND VENKATESH, J

vv2/msv

To

- 1.The Principal Sessions Court,
Dharmapuri.
- 2.The Inspector of Police,
CCIW, CID,
Dharmapuri.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.4053 of 2017



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