



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) Nos.7880 and 9247 of 2018

IN

CRL OP(MD) No.12132 of 2018

CRL MP(MD) Nos.7880 of 2018 :

RAMESH

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 G.BALAMURUGAN

2 METILDA POOVAZHAGI

... 1&2 RESPONDENTS/ 1& 2 PETITIONERS

3 THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH,

TIRUNELVELI DISTRICT

... 3rd RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the Anticipatory bail granted to the 1st and 2nd respondents/Accused in Crl.OP.No.12132/2018 dated 01.08.2018 on the file of this Honourable Court.

CRL MP(MD) No.9427 of 2018:

1 G.BALAMURUGAN

2 B.METILDA POOVALAGI

... PETITIONERS/ACCUSED 1 & 4

Vs

THE STATE OF TAMIL NADU,

THE INSPECTOR OF POLICE

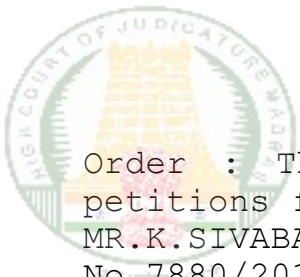
DISTRICT CRIME BRANCH,

TIRUNELVELI DISTRICT.

CRIME NO.23/2017

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the conditions imposed in the order dated 01.08.2018 in the above Crl.O.P.(MD).No.12132/2018 passed by this Honourable Court.



Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of MR.K.SIVABALAN, Advocate for the petitioner in CRL MP(MD) No.7880/2018 IN CRL OP(MD)No.12132/2018 and MR.K.RAJESHWARAN, Advocate for the Petitioners in CRL MP(MD)No.9427/2018 IN CRL OP(MD) No.12132/2018 and R1 & R2 in in CRL MP(MD)No.7880/2018 IN CRL OP(MD) No.12132/2018 of MR.A.ROBINSON, Government Advocate(Crl.Side) for the Respondent in in CRL MP(MD)No.9427/2018 IN CRL OP(MD) No.12132/2018 and R3 in CRL MP(MD)No.7880/2018 IN CRL OP(MD) No.12132/2018 on behalf of the Respondents the court made the following order:-

This Court granted anticipatory bail to the petitioners herein on the following terms :

"4.The learned counsel appearing for the petitioner submits that a sum of Rs.2,50,000/- will be paid directly to the defacto complainant within one month. The second petitioner shall take a DD and pay the said sum of rupees to the defacto complainant within this period. The first petitioner undertakes that a sum of Rs.10,000/- will be credited in the account of the defacto complainant for a period of two years, which shall be taken from the salary of the first petitioner, commencing from the month of September, 2018"

5.....

6.Recording the undertaking given by the first petitioner, this court is inclined to grant anticipatory bail to the petitioners with certain conditions."

2.The petitioners are unable to pay the sum of Rs.2,50,000/- as stipulated by this Court. He therefore seeks modification. The petitioners however paid only a sum of Rs.50,000/- to the decfacto complainant by way of a Demand Draft and the same is also acknowledged. Therefore, the condition already imposed on the petitioners stands modified as follows :

(i) instead of Rs.10,000/-, a sum of Rs.25,000/- can be deducted from the first petitioner's salary and straightaway credited to the account of the defacto complainant.

3.Recording the aforesaid undertaking given by the petitioners herein, the modification sought for is allowed. The time for executing the sureties is extended by a further period of two weeks from the date of receipt of a copy of this order. This modification is made because prima facie it appears that it is the first petitioner's wife Tmt.B.Metilda Poovalagi the second petitioner herein who has been running the business and the first petitioner Thiru.G.Balamurugan is only an employee of the Excise department and is not running the business.



4. Accordingly, Crl MP(MD)No.9427 of 2018 is allowed and Crl MP (MD)No.7880 of 2018 is closed.

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sd/-
14/11/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.K.RAJESHWARAN, Advocate SR.No.21584

ORDER
IN
CRL MP(MD)Nos.7880 & 9247 of 2018
IN CRL OP(MD) No.12132 of 2018
Date :14/11/2018

SKM
PK/JC/SAR-4/22.11.2018 : 3P/6C