

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.2055 & 2057 of 2019

IN CRL OP.26430/2017

THIRUMURUGAN [PETITIONER IN BOTH THE PETITIONS]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
THE DISTRICT CRIME BRANCH,
THIRUVARUR DISTRICT,
THIRUVARUR.
CR.NO.13 OF 2017. [RESPONDENT IN BOTH THE PETITIONS]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to extend the time stipulated Crl.M.P.No.14020 of 2018 in Crl.O.P.No.26430 of 2017 dated 24.10.2018 passed by this Hon'ble Court.

(i) To modified the condition imposed Para 7 (a) the petitioner shall deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the credit of Cr.No.13 of 2017 before the Learned Magistrate Before furnishing the sureties in Crl.O.P.No.26430 of 2017 dated 21.08.2018

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.S.RAJANIKANTH, Advocate for the petitioners, [IN BOTH THE PETITIONS] and of M/S. T.P. SAVITHA, Govt. Advocate (Crl. Side) on behalf of the 1st Respondents, and of M/S.BABU MUTHU MEERAN, on behalf of the 2nd Respondent, and of M/S.G.VINOTH KUMAR, Advocate for Intervenor, the court made the following order:-

These Miscellaneous Petitions have been filed seeking extension of time in Crl.M.P.2055 of 2019 and seeking modification of condition imposed in Crl.M.P.No.2057 of 2019 on the petitioner while granting anticipatory bail in Crl.OP.No.26430 of 2017 by an order dated 21.08.2018.

2. The case of the prosecution is that the petitioner along with the other accused had fabricated documents and obtained loan from the defacto complainant Bank to the tune of Rs.38,50,000/- and based on the complaint given by the defacto complainant, a case has been registered by the respondent police.

3. When the anticipatory bail petition was taken up on 21.08.2018, the learned counsel for the petitioner, on instructions, had submitted that the petitioner is ready to deposit a sum of Rs.15,00,000/- without prejudice to his defence and also undertakes to pay the balance due payable by him to the bank and is willing to co-operate with the investigation.

4. Considering the request made by the learned counsel for the petitioner, this Court granted anticipatory bail to the petitioner on certain conditions and one of such condition is that the petitioner shall deposit a sum of Rs.15,00,000/- without prejudice his defence.

5. Now, it is submitted by the Learned counsel for the petitioner that the allegation is that the main accused transferred the fund in favour of the petitioner and the petitioner utilized the fund. However, the fact remains that the funds transferred in favour of the petitioner was allegedly transferred in favour of the accused and hence he is not in a position to deposit the amount hence, he prayed for extension of time and modification of the said condition.

6. The learned Government Advocate appearing for the respondent police would submit that the petitioner did not comply with the condition imposed on him by order dated 21.08.2018.

7. However, on perusal of the order dated 21.08.2018, it appears that the learned counsel for the petitioner on instruction had submitted that the petitioner was ready to deposit Rs.15,00,000/- without prejudice to the defence and also undertook to pay the balance due payable by him to the bank and willing to co-operate with the investigation. Based on that undertaking given by the petitioner, order was passed by this Court. Now, the learned counsel for the petitioner has taken a u-turn by submitting that the funds transferred in favour of the petitioner was allegedly transferred in favour of the accused is unacceptable. Hence, this Court is not inclined to extend further time and modify the conditions imposed on the petitioner. Hence, both the Miscellaneous Petitions are dismissed.

-sd/-
11/06/2019

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THE DISTRICT CRIME BRANCH,
THIRUVARUR DISTRICT,
THIRUVARUR.

C.C. to M/S.S.RAJANIKANTH Advocate on payment of necessary
charges

Order

in
CRL MP.2055 & 2057/2019

in
CRL OP.26430/2017

Date :11/06/2019

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

TA-26/06/2019

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