



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Fifteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL MISCELLANEOUS PETITION No.3050 of 2019

IN CRL OP.2543/2019

S.SAMPATHKUMAR

[PETITIONER]

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ANNATHANAPATTI POLICE STATION,
SALEM. (CR.NO.451 OF 2015)

Petition praying that in the circumstances stated therein the High Court will be pleased to modify the imposed condition vide order dated 01.02.2019 in Crl.O.P.no.2543 of 2019 with regard to deposit of title deeds before the concerned magistrate in Cr.No.451 of 2015.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.MANO HAR, Advocate for the petitioner and of MR.C.RAGHAVAN, GOVERNMENT ADVOCATE [CRL.SIDE] on behalf of the Respondent the court made the following order:-

This petition has been filed seeking to modify the condition imposed by this Court in its order dated 01.02.2019 made in Crl.O.P.No.2543 of 2019.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the de-facto complainant has executed a power of attorney to one P.S.Murugesan, in turn the said P.S.Murugesan has executed a sale deed to some third party. Therefore, the sale deed executed not available with the petitioner.

4. Considering the facts and circumstances of the case, this Court is inclined to modify the conditions as follows :

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



[b] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[c] the petitioner shall report before the respondent Police daily at 10.30a.m for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

5. Accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-
15/03/2019

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,
NO.4, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM.



3 THE INSPECTOR OF POLICE,
ANNATHANAPATTI POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.M.MANO HAR Advocate on payment of necessary
charges in SR.NO. 5498

Order

in
CRL MP.3050/2019

in
CRL OP.2543/2019

Date :15/03/2019

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MLT-19/03/2019