

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2019

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.27363 of 2019

P.Venkateshwaran ..Petitioner/Defacto Complainant

Vs.

1.K.Jayakumar Respondents 1 & 2/Petitioners

2.J.Geetha

3.The State

Rep. by Inspector of Police,
District Crime Branch,
Krishnagiri,
Krishnagiri District

..Respondent 3/Respondent

PRAYER:

The Criminal Original Petition is filed under Section 439(2) of CrPC to cancel the anticipatory bail granted in Crl.O.P.No.14573 of 2019 dated 10.06.2019.

For Petitioner : Mr.J.Prashanth

For R1 & R2 : Mr.S.V.Karthikeyan

For R3 : Mr.B.Arulmozhimaran,
Government Advocate
(Crl.side)

ORDER

This petition has been filed to cancel the anticipatory bail granted to the respondents 1 and 2 in Crl.O.P.No.14573 of 2019 dated 10.06.2019.

2. While granting anticipatory bail to the respondents 1 and 2, this Court imposed the conditions as follows:

"6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Crime No.5 of 2019, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be

released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate-I, Krishnagiri on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[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 petitioners shall deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Crime No.5 of 2019, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

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

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC. "

3. However, both the respondents 1 and 2 did not comply with the said condition. Therefore, the first respondent was arrested and remanded to judicial custody on 08.11.2019. Thereafter he was released on bail on 20.11.2019 on condition that the first respondent shall deposit a sum of Rs.3,00,000/-. Accordingly, the first respondent deposited Rs.3,00,000/- and came out from the prison. Insofar as the second respondent is concerned, even till today she did not comply with the condition and did not even surrender before the jurisdictional Magistrate to execute the sureties as directed by this Court.

4.The learned counsel for the respondents 1 and 2 submitted that insofar as the first respondent is concerned, he was already arrested and released on bail on condition that he shall deposit Rs.3,00,000/-. Insofar as the second respondent is concerned, she has ailment and has been admitted in a Hospital at Bangalore and therefore she could not comply with the condition. Therefore, he prayed that finally a weeks' time may be granted to comply with the said condition imposed by this Court.

5.It is seen that the first respondent has complied with the condition imposed by this Court, however, the second respondent has not complied with the same and she has been admitted in hospital. Considering the request made by the learned counsel for the respondents 1 and 2, this Court is inclined to extend the time to comply with the said condition imposed by this Court dated 10.06.2019 insofar as the second respondent is concerned, on or before 20.12.2019.

6.It is made clear that if the second respondent fails to comply with the condition of depositing Rs.3,00,000/- and appearing before the jurisdictional Magistrate on or before 20.12.2019, the anticipatory bail granted to the petitioners in CrI.O.P.No.14573 of 2016 shall stand automatically cancelled without reference to the order of this Court.

7. Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.Inspector of Police,
District Crime Branch,
Krishnagiri,
Krishnagiri District.

2.The Public Prosecutor,
High Court of Madras.

+1cc to M/s.S.V.Karthikeyan, Advocate Sr.No.104624(16.12.19)

CrI.O.P.No.27363 of 2019

BS (CO)

GN(16/12/2019)

AKM/16.12.19 /3P-4C/