



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

Thursday, the Tenth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.200 of 2019
IN
CRL OP(MD) No.17529 of 2018

DAISY NABI KUMAR

... PETITIONER/PETITIONER

Vs

THE STATE OF TAMILNADU
REPRESENTED BY ITS
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME NO.30/2018)

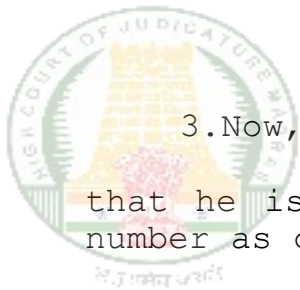
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the conditional order passed in Crl.O.P(MD).No.17529/2018 dated 26/10/2018 to direct the petitioner to deposit a sum of Rs.4,00,000/- to the credit in Crime No.30/2018 before the Learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr. ANANTH C. RAJESH, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl Side) for the Respondents the court made the following order:-

This petition has been filed to modify the conditional order passed in Crl.O.P.(MD).No.17529 of 2018 on 26.10.2018.

2. The learned counsel appearing for the petitioner would submit that the petitioner was granted anticipatory bail by this court on 26.10.2018 with a specific condition that the petitioner was directed to deposit a sum of Rs.4,00,000/- to the credit of crime number before the learned Judicial Magistrate, No.I, Nagercoil within a period of four weeks from the date of receipt of the order, apart from the other conditions. Again, the petitioner moved Crl.M.P.No.9473 of 2018 stating that in stead of executing sureties before the Judicial Magistrate No.I, Nagercoil, it is to be made as 'Judicial Magistrate No.2, Kuzhithurai, Kanyakumari District and the same was allowed. Further, in view of the same, another 15 days time was granted to surrender and execute the sureties.



3.Now, the petitioner moved Crl.M.P.No.200 of 2018 stating that he is unable to deposit Rs.4,00,000/- to the credit of Crime number as ordered in Crl.O.P.(MD).No.17529 of 2018.

4.This Court, on perusal of the order, finds that it is a conditional order, wherein, deposit of Rs.4 lakhs to the credit of crime number is the condition for bail. Further in the order, it has been categorically stated that if the petitioner fails to make the payment and execute the sureties, the order shall stand automatically cancelled.

5.In view of the above, this Court is of the view that due to the petitioner's failure to make payment, the anticipatory bail already granted has been cancelled. Thus, the respondent Police is free to proceed against the petitioner in accordance with law and carry out further investigation in this matter. Accordingly, this petition is dismissed.

sd/-
10/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-II,
KUZHITHURAI, KANYAKUMARI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR. ANANTH C. RAJESH Advocate SR.No.753

PS/JC/SAR-4/28.01.2019/2P/6C

ORDER
IN
CRL MP (MD) No.200 of 2019
IN
CRL OP (MD) No.17529 of 2018
Date :10/01/2019