



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

Date : 22/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL MP(MD) . No.6390 of 2019

in

CrI.O.P. (MD) .No.6916 of 2019

1. Sunami Sethupathi @ Nagendra Sethupathi
2. Mangalakumar
3. Ajith Sunami @ Ajithkumar
4. Arun ... Petitioners/Petitioners

Vs

The State Rep.by,
The Inspector of Police,,
Paramakudi Town Police Station,
Ramanathapuram District.
Cr.No.67/2019. ... Respondent/Respondent

For Petitioner : M/s.K.Navaneetharaja,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (CrI.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

To modify the condition imposed by this Hon'ble Court in CrI OP(MD)No.6916 of 2019 order dated 09.05.2019 so far as the direction, directing the petitioners to deposit a sum of Rs.80,000 to the credit of Cr.No.67 of 2019, before the Judicial Magistrate, Paramakudi.

ORDER : The Court Made the following order :-

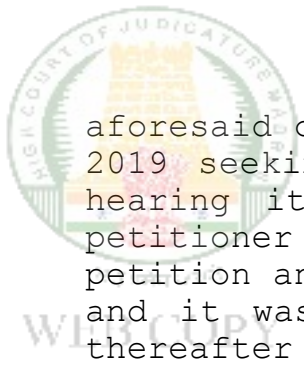
This petition has been filed by the accused No.1 to 4 to modify the condition imposed by this Court in CrI.O.P.(MD).No.6916 of 2019 dated 09.05.2019.



2.Heard both sides.

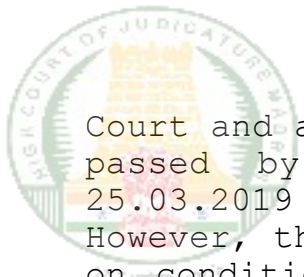
3.The learned counsel for the petitioners has submitted that this Court while granting anticipatory bail to the petitioner in Crl.O.P.(MD).No.6916 of 2019 by the order dated 09.05.2019 has directed the petitioners to deposit a sum of Rs.80,000/- (Rupees Eighty Thousand Only) to the credit of crime No.67 of 2019 before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, within a period of three weeks from the date of receipt of a copy of the said order and thereafter the said amount may be disbursed to the victim. He further submitted that since the said condition is a pre-trial condition and in case after concluding trial the case ended in acquittal, the petitioner may not be in a position to get back the said amount and therefore, he requests this Court to modify the said condition to the effect that not to disburse the said amount to the victim.

4.Per contra, the learned Government Advocate (Crl. Side) has submitted that the petitioners have indiscriminately attacked the defacto complainant and attempted to commit murder and hence a case has been registered in crime No.67 of 2019 under Sections 147, 148, 294(b), 341, 324, 506(ii) and 307 of IPC. She further submitted that the petitioners herein have moved this Court by filing Crl.O.P.(MD). No.4065 of 2019 seeking anticipatory bail and this Court by the order dated 25.03.2019 has observed that the learned counsel for the petitioners on instruction has submitted that the petitioners are ready to pay the bill amount of the medical expenses of the defacto complainant which comes to Rs.1,38,000/- without prejudice to their rights and contentions and considering the said submission, this court has granted anticipatory bail to the petitioners with a direction that they shall deposit a sum of Rs.1,38,000/- before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District within a period of 15 days from the date of receipt of a copy of the said order. She further submitted that subsequently the petitioners herein have filed Crl.M.P.(MD).No.3643 of 2019 to modify the condition which was imposed by this Court in Crl.O.P.(MD). No.4065 of 2019. But, this Court has dismissed the said petition by the order dated 22.04.2019. However, it has extended the time for complying the said condition for further period of two weeks from the date of receipt of a copy of the said order and thereafter suppressing the said facts, the petitioners herein have filed Crl.O.P.(MD).No.6916 of 2019 before the vacation sitting of this Court and this Court has granted anticipatory bail by the order dated 09.05.2019 with a direction that the petitioner shall deposit a sum of Rs.80,000/- to the credit of Crime No.67 of 2019 before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, within a period of three weeks from the date of receipt of a copy of the said order and even the said order has not been complied by the petitioners. She further submitted that thereafter suppressing the



aforesaid orders, the petitioners have filed Crl.O.P.(MD).No.8545 of 2019 seeking anticipatory bail and when the petition came up for hearing it was brought to the knowledge of the Court that the petitioner has suppressed the order of this Court in previous petition and thereafter the petitioner not pressed the said petition and it was dismissed on 24.06.2019. She further submitted that thereafter again the petitioners have filed Crl.O.P.(MD).No.9640 of 2019 seeking anticipatory bail and on that day in the said petition also they have suppressed the previous orders and when the same was brought to the knowledge of the Court, the petitioners have not pressed the said petition also and thereafter they have filed Crl.M.P.(MD).No.5971 of 2019 to modify the conditions imposed by this Court in Crl.O.P.(MD).No.6916 of 2019 and in that petition also they have suppressed the earlier orders and when the same was brought to the knowledge of the Court, the petitioners have not pressed the said petition also and thereafter they have filed the present petition seeking modification of the order passed by this Court in Crl.O.P.(MD).No.6916 of 2019. She further submitted that since the petitioners have obtained order in Crl.O.P.(MD).No.6916 of 2019 suppressing the earlier order passed by the Court in Crl.O.P.(MD).No.4065 of 2019 and Crl.M.P.(MD).No.3643 of 2019, the petitioners are not entitled to get any relief from the Court and therefore, she strongly opposed this petition.

5.It is seen from the typed set of papers filed by both the parties that based on the complaint given by one Sabaripandiyan, the respondent police has registered the case against the petitioners herein and one Keerthi @ Jeyaseelasethupathi in Crime No.67 of 2019 under Sections 147, 148, 294(b), 341, 324, 506(ii) and 307 of IPC. The petitioners herein have filed Crl.O.P.(MD).No.4065 of 2019 seeking anticipatory bail. When the said petition came up for hearing it appears that the learned counsel for the petitioners on instruction has submitted before the Court that the petitioners are ready to pay the medical expenses of the defacto complainant (i.e) Rs.1,38,000/- without prejudice to their rights and contentions and on considering the said submission, this Court has granted anticipatory bail to the petitioners by the order dated 25.03.2019 with a condition that the petitioners shall deposit a sum of Rs.1,38,000/-before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District within a period of 15 days from the date of receipt of a copy of the said order. Subsequently, they have filed Crl.M.P.(MD).No.3643 of 2019 seeking to modify the said condition but, this Court has dismissed the said petition by the order dated 22.04.2019. However, it has extended the time for complying with the said condition for further period of two weeks from the date of receipt of a copy of the said order. Further it has been stated that if the said order is not complied within the said period the anticipatory bail already granted by this Court shall stand vacated automatically. Subsequently, the petitioners herein have filed Crl.O.P.(MD).No.6916 of 2019 before the vacation sitting of this



Court and at that time, the petitioners have not disclosed the order passed by this Court in Crl.O.P.(MD).No.4065 of 2019 dated 25.03.2019 and also in Crl.M.P.No.3643 of 2019 dated 22.04.2019. However, this Court has granted anticipatory bail to the petitioners on condition that they shall deposit a sum of Rs.80,000/- to the credit of Crime No.67 of 2019 before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, within a period of three weeks from the date of receipt of a copy of the said order and on such deposit, the said amount may be disbursed to the victim. The petitioners have not complied the said order also. But, suppressing the aforesaid orders, they have filed Crl.O.P.(MD).No.8545 of 2019 seeking anticipatory bail. When the matter came up for hearing, the learned Additional Public Prosecutor has brought to the knowledge of the Court that the petitioners have suppressed the earlier order of this court and thereafter it appears that the petitioners have not pressed the said petition and hence it was dismissed. Thereafter they have filed Crl.O.P.(MD).No.9640 of 2019 seeking anticipatory bail which was also dismissed as not pressed. Then, they have filed Crl.M.P.(MD).No.5971 of 2019 to modify the order passed by this Court in Crl.O.P.(MD).No.6916 of 2019 and the said petition was also not pressed. Now the petitioners have filed the present petition to modify the condition which was imposed by this Court in Crl.O.P.(MD).No.6916 of 2019 by the order dated 19.04.2019. It is to be pointed out that even though the petitioners have filed so many petitions by engaging different counsels, they have suppressed all the previous petitions and tried to get order from the Court. Considering the conduct of the petitioners, this Court is of the view that they are not deserving to get any relief from this Court.

6.Hence, this court is not inclined to grant any relief to the petitioners.

7.Accordingly, this criminal miscellaneous petition is dismissed.

sd/-
22/07/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURM DISTRICT.



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.K.NAVANEETHARAJA Advocate SR.No.12153

ORDER

IN

CRL MP (MD) No.6390 of 2019

IN

CRL OP (MD) No.6916 of 2019

Date :22/07/2019

VSG

PK/PN/SAR-1/22.08.2019 : 5P/6C