



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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Crl.O.P (MD)No.13495 of 2019

1.Kumarakuruparan

2.Mariammal

... Petitioners

Vs

State Rep. by
The Inspector of Police,
Kurumpur Police Station,
Thoothukudi District,
(Crime No.80 of 2019)

... Respondents

PRAYER: Petition filed under Section 439(1)(b) Code of Criminal Procedure, to modify the condition imposed in Crl.M.P.(MD)No.3868 of 2019, dated 28.08.2019 on the file of the Principal Sessions Judge, Thoothukudi, Thoothukudi District by directing the petitioners/accused shall hand over the house document original belongs to the defacto complainant before the learned Judicial Magistrate, Srivaikundam, within 15 days from the date of this order and deposit a cash security of Rs.25,000/- (Twenty Five Thousand) before the learned Judicial Magistrate, Srivaikundam and the defacto complainant is entitled to receive the house document by filing proper petition before the learned Judicial Magistrate, Srivaikundam.

For Petitioner : Mr.S.Saravanakumar

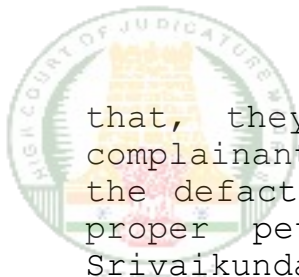
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

ORDER

Heard the learned counsel on either side.

2. The petitioners herein stand accused in Crime No.80 of 2019 registered on the file of the respondent for the offences under Sections 294(b) and 506 (I) of IPC r/w Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act.

3. They applied for anticipatory bail. It was granted. But then, the learned Principal Sessions Judge imposed a condition that the petitioner will have to deposit cash surety of Rs.25,000/- and



that, they will have to return the title deed of the defacto complainant that is in their custody. It was further directed that the defacto complainant can get back the house document by filling proper petition before the learned Judicial Magistrate Court, Srivaikundam.

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4. The petitioners give an undertaking before this Court that they would keep the document in question in their safe custody and that, they will not do anything, so as to encumber the property further.

5. I am of the view that in the facts and circumstances of the case, imposing the condition to deposit Rs.25,000/- is not warranted. Likewise, the petitioners have given undertaking that they will not molest the defacto complainant and that they would work out their remedy before the civil forum. The Court below ought to have relegated both the parties to move the concerned jurisdictional forum. Directing the petitioners to deposit the title deed and giving further direction that the defacto complainant can get back the same appears to be unwarranted. In any event, while granting anticipatory bail, issuance of such direction was really not required. Hence, the aforesaid conditions stand set aside. The criminal original petition stands allowed. The other conditions imposed by the learned Principal Sessions Judge remain intact. The petitioners are given two weeks to surrender and execute the sureties before the learned Judicial Magistrate, Srivaikundam.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Kurumpur Police Station,
Thoothukudi District.
- 2.The Principal Sessions Judge, Thoothukudi.
- 3 The Judicial Magistrate,
Srivaikundam.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SARAVANA KUMAR, Advocate (SR-89441[F] dated 26/09/2019)

Crl.O.P(MD)No.13495 of 2019
26.09.2019

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