

**Crl.OP.No.1219 of 2020 and
Crl.OP.No.23981 of 2018**

M.DHANDAPANI,J.

The matter is listed under the caption "For being mentioned" at the instance of the learned counsel for the petitioner.

2.Learned counsel for the petitioner would submit that at the time of disposing of the petition, this Court which declined to cancel the bail granted, however imposed conditions that the respondents 2 and 3 shall jointly pay a sum of Rs.65 lakhs to the defacto complainant within a period of two weeks from the date of receipt of copy of this order and on receipt of the said amount, the defacto complainant was directed to file appropriate affidavit before the Lower Court. However, the said condition is not reflected in Para -6 of the order dated 05.02.2020 and thereafter, prays for necessary correction in the order.

3.Accordingly, Para -6 of the order dated 05.02.2020 shall read as follows:-

6. Considering the facts and circumstances of the case, this Court is not inclined to cancel the bail in respect of Respondents 2 and 3 with certain conditions, that the respondents 2 and 3 shall jointly deposit a sum of Rs.65 lakhs to the defacto complainant within a period of two weeks from which the order is made ready; thereafter the learned Judicial Magistrate shall disburse the amount in

M.DHANDAPANI, J
jrs

favour of the defacto complainant after obtaining undertaken of irrevocable affidavit from the defacto complainant and further the petitioner accused is permitted to file appropriate application for return of passport before the appropriate authority ; if any such application is filed by the petitioner/ accused under Section 451 of Cr.P.C for return of passport, the trial Court shall consider the same and pass appropriate orders, taking into account of the defacto complainant has no serious objection, for release of passport to the petitioner /accused.

4.The Registry is directed to carry out the above correction and re-issue fresh order copy to the parties concerned subject to payment of necessary charges.

28.02.2020

jrs

Note to Office:Issue order copy on 02.03.2020

सत्यमेव जयते
WEB COPY

**Crl.OP.No.1219 of 2020 and
Crl.OP.No.23981 of 2018**

28.02.2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.1219 of 2020

S. Raji

... Petitioner

Vs.

1.State rep.by
The Sub-Inspector of Police,
CCB, EDF, Vepery,
Chennai – 600 007.

2.Meri Latha Joyce

3.Prabhu

... Respondents

Petition filed under Section 439(2) of Cr.P.C., to cancel the bail granted by this Court in favour of the respondents 2 & 3 in Crl.O.P.No.23981 of 2018 dated 12.10.2018 in connection with Crime No.366 of 2018 on the file of the first respondent police.

For Petitioner : Mr. V.R. Appaswamee

For Respondents : Mr. C. Iyyapparaj, for R1
Additional Government

Pleader

Mr. N.R. Elango, for R2

ORDER

This criminal original petition has been filed seeking to cancel the bail granted by this Court in favour of the respondents 2 & 3 in Crl.O.P.No.23981 of 2018 dated 12.10.2018 in connection with Crime No.366 of 2018 on the file of the first respondent police.

2. In the earlier occasion, the respondents 2 & 3 approached this Court for bail in Crl.O.P.No.23981 of 2018 and this Court granted bail on 12.10.2018 on the ground that the respondents 2 and 3 given a undertaking that the respondents 2 & 3 will deposit Rs.75 lakhs, i.e., Rs.10 lakhs to be paid immediately and Rs.65 lakhs to be paid within a period of six months from the date of receipt of a copy of this order. However, Rs.10 lakhs was paid to the defacto complainant/petitioner and the respondents 2 & 3 did not pay Rs.65 lakhs, preferred SLP before the Hon'ble Apex Court and the same was dismissed on 11.03.2019 granting liberty to the respondents 2 & 3 seeking relaxation of the condition. As per the liberty granted by the Hon'ble Apex Court, the respondents 2 & 3 filed a relaxation petition before this Court on 07.06.2019 in Crl.M.P.No.6287/2019 to modify the condition and this Court vide order dated 07.06.2019, extended the time for payment of the

amount by another period of three months. Even thereafter, the amount was not deposited. Hence, the petitioner/defacto complainant filed this petition.

3. The accused/respondents 2 & 3 filed a modification petition and extension petition in CrI.M.P.Nos.993 & 994 of 2020.

4. The learned Senior Counsel appearing on behalf of the respondents 2 & 3 on instruction submitted that the respondents 2 & 3 is ready to deposit the amount of Rs.65 lakhs within a period of two weeks from the date of receipt of a copy of this order and further the trial Court may disburse the amount in favour of the defacto complainant after obtaining the appropriate affidavit if the respondents 2 & 3 succeed in the case, the defacto complainant should refund the amount.

5. Mr. V.R. Appaswamee, learned counsel for the petitioner/defacto complainant on instruction would submit that the petitioner is ready to file appropriate affidavit and the defacto complainant have no serious objection to release the passport in favour of the respondents.

M.DHANDAPANI,J.

6. Considering the facts and circumstances of the case, this Court is not inclined to cancel the bail to the respondents 2 & 3 with certain conditions. The respondents 2 & 3 shall jointly pay a sum of Rs.65 lakhs to the defacto complainant within a period of two weeks from the date of receipt of a copy of this order. After receipt of the said amount, the defacto complainant shall file appropriate undertaken affidavit before lower Court.

7. Accordingly, this petition is disposed of.

05.02.2020

AT

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Sub-Inspector of Police,
CCB, EDF, Vepery,
Chennai – 600 007.

2.The Additional Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

CrI.O.P.No.1219 of 2020