



4. The learned Additional Public Prosecutor has drawn my attention to the order passed by this Court dated 24.06.2020, wherein the wife of the accused person filed an affidavit before the learned Judicial Magistrate stating that she is ready to pay Rs.7,00,000/- then and there and remaining amount would be paid on 06.04.2020. In the bail order dated 24.06.2020, this Court has observed that following the ratio laid down in the case of **Gopinath vs. State (Crl.R.C.No.257 of 2018)**, wherein eventhough the conditional order of bail was granted earlier, non-compliance of the conditional bail order is not a bar to invoke the jurisdiction of the Court to seek bail on default clause under Section 167 (2) of Cr.P.C.

5. Taking into consideration the entirety of the circumstances and also taking into account the affidavit filed by the wife of the accused, this Court has granted default bail in the above said order.

6. Now the learned counsel for the petitioner has stated that Clause (b) and (d) of the said order is not in consonance with the ratio in the decision laid down. At the outset, this is only a petition to modify the order. Taking the factual position of the order and also taking note of the fact that earlier conditional order was passed whereby the petitioner was granted bail however he has not complied with the conditional order. Subsequently, he filed bail petition under Section 167(2) of Cr.P.C., seeking the relief on the ground of the non-filing of the charge sheet, namely, default clause.

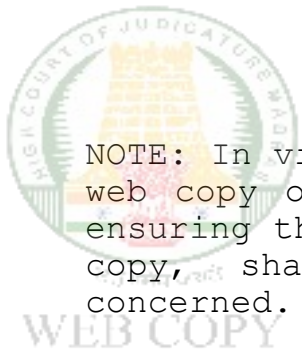
7. The matter involving the criminal misappropriation of the huge sum to the tune of Rs.32,23,073/-, earlier application filed before this Court was also dismissed on 05.05.2020 and since the Magistrate has also dismissed the application, the earlier OP came before this Court. Considering the entirety of the circumstances and affidavit filed by the wife of the accused person, the conditional clause has been incorporated as condition in the bail order. Now the petitioner wants to modify that order.

8. Considering the facts and circumstances narrated above, this petition stands dismissed.

sd/-
27/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL,
KANYAKUMARI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
D.C.B.POLICE STATION,
KANYAKUMARI DISTRICT, NAGERCOIL.
4. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYMKOTTAI, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.3622 of 2020
IN
CRL OP (MD) No.6214 of 2020
Date :27/07/2020

PJL
JM/PN/SAR 2/28.07.2020/3P/6C