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

Monday, the Thirtieth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.6205 of 2020
IN
CRL A(MD) No.20 of 2020

N.KANNAN ... PETITIONER/APPELLANT

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT.
CRIME NO.19/2015. ... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Modify the condition imposed Crl.M.P(MD)No.1149/2020 in Crl.A(MD)20/2020 dated 23.07.2020 on the file of this Honourable Court.

Order :This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.V.KATHIRVELU, Senior Counsel for MR.K.PRABHU, Advocate for the petitioner and of MR.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This application has been filed seeking modification of the condition imposed in Crl.M.P(MD)No.1149 of 2020 in Crl.A(MD)No.20 of 2020 dated 23.07.2020 on the file of this Court.

2.The petitioner is the sole accused in S.C.No.831 of 2016 and he was found guilty and convicted and sentenced to undergo life imprisonment for the offences punishable under Sections 417, 376(n) and 506(i) IPC. While granting suspension of sentence in Crl.M.P (MD)No.1149 of 2020, this Court directed that the petitioner shall pay Rs.50,000/- to P.W.1 by way of demand draft and deposit a sum of

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Rs.50,000/- in the name of her child, namely, Rithika Sri in any one of the Nationalized Bank.

3.Mr.V.Kathirvelu, learned Senior Counsel appearing on behalf of the petitioner would argue that even though the petitioner had taken two demand drafts each for fifty thousand, one in favour of P.W.1 and another one in favour of the minor child, on 19.08.2020, since P.W.1 could not furnish the Adhar Card, account could not be opened in the name of the minor Rithika Sri, the daughter of P.W.1. Therefore, the petitioner could not come out on bail.

4.Mr.R.Anandharaj, learned Additional Public Prosecutor, on instructions would state that since the minor Rithika Sri is only 4 years old, no Adhar Card has been issued in her name so far and hence, there is a delay in opening account in a Nationalized Bank. He would further state that P.W.1 is ready to receive the demand draft drawn in her name and also Rs.50,000/- which was directed to be paid in the name of her minor child Rithika Sri.

5.In the light of the above submissions, condition (iv) of the order dated 23.07.2020 is modified to the effect that while executing the sureties before the Judicial Magistrate, Nanguneri, the accused shall pay Rs.1,00,000/- (Rupees One Lakh only) directly to P.W.1, who in turn, shall deposit 50% of the amount in the name of her minor daughter Rithika Sri. The other conditions shall remain unaltered.

sd/-
30/11/2020

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/ /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 SESSIONS JDUGE, MAHILA COURT,
TIRUNELVELI DISTRICT.

2.THE JUDICIAL MAGISTRATE, NANGUNERI.

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3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

4.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANGUNERI, TIRUNELVELI DISTRICT

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

+1. C.C. to M/S.K.PRABHU, Advocate SR.No.7789

ORDER
IN
CRL MP(MD) No.6205 of 2020
IN
CRL A(MD) No.20 of 2020
Date :30/11/2020

SKN
PK/JC/SAR-III/15.12.2020 : 3P/7C

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