

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.828 of 2021

IN CRL OP.17544/2020

KIRAN @ KIRANKUMAR

[PETITIONER /ACCUSED NO.4]

Vs

STATE REP. BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the condition imposed by this Hon'ble Court in Crl.O.P.No.17544/2020 dated 20.11.2020 as one immovable property document bearing No.5989/2020 stands in the name of one SHANKAR, S/o.Venkatasamy and cash security of Rs.50,000/- instead of title deeds of the immovable property document worth about of Rs.5 lakhs to the credit of crime.no.50/2008 and pass such further or other orders.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.E.KANNADASAN, Advocate for the Petitioner and of MR. C.IYYAPPARAJ ADDL.Public Prosecutor on behalf of the Respondent the court made the following order:-

Learned counsel appearing for the petitioner would submit that the petitioner was granted bail by the order of this Court dated 20.11.2020 in Crl.O.P.No,17544 of 2020 on condition that the petitioner shall deposit original title deeds of the immovable property document worth Rs.5 Lakhs to the credit of Crime No.50 of 2008 at the time of furnishing sureties. He would submit that despite sincere efforts taken by the petitioner, the petitioner was unable to fetch documents worth Rs.5 Lakhs. Further, his cousin one Shankar had purchased a property to the extent of 7.75 cents at Kottur Village within SRO Denkanikottai, Krishnagiri District by sale deed dated 19.10.2020 bearing document No.5989 /2020. He would submit

that though the guideline value for the property is Rs.10,750/-, the market value of the property is more than Rs.3 Lakhs. He would submit that the petitioner's cousin is prepared to furnish his original title deeds before this Court. Further, the petitioner's father-in-law is also prepared to deposit Rs.50,000/- as cash surety to the credit of Crime No.50 of 2008. He would submit that despite the petitioner being granted bail on 20.11.2020, he is unable to come out on bail since he is unable to comply with the condition. He would submit that if the condition is not modified and the petitioner is not permitted to deposit the title deeds of the document bearing No.5989 /2020 dated 19.10.2020 at SRO, Denkanikottai and permitted to deposit Rs.50,000/- by cash, the petitioner will be put to serious hardship.

2.Learned Additional Public Prosecutor would submit that this Court finding that the petitioner was absconding for several years, directed the petitioner to deposit original title deeds of immovable property worth about Rs.5 Lakhs. He would further submit that the petitioner has shifted his permanent address, therefore his wife shall be directed to file necessary affidavit furnishing the proof of their permanent residence.

3.Heard the counsels.

4.Taking into consideration the fact that the petitioner is in custody from 15.06.2020 and despite the bail being granted on 20.11.2020, the petitioner is unable to comply with the condition and come out on bail, the condition (d) in the order dated 20.11.2020 in CrI.O.P.No.17544 of 2020 is modified to the effect that the petitioner shall deposit original title deeds of document bearing No.5989/2020 dated 19.10.2020 registered at SRO, Denkanikottai, Krishnagiri District belonging to Shankar and further the petitioner's father-in-law shall deposit cash surety of Rs.50,000/- to the Credit of Crime No.50 of 2008 at the time of furnishing sureties. The wife of the petitioner is also directed to file necessary affidavit showing the proof of their permanent residence.

5.The other conditions imposed on the petitioner vide order dated 20.11.2020 in CrI.O.P.No.17544 of 2020 shall stand unaltered.

-sd/-

17/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION]

3 THE ASSISTANT SESSIONS COURT,
HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 C.C. to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.1791

Order
in

CRL MP.828/2021
in

CRL OP.17544/2020

Date :17/02/2021

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copies of the BAIL/Anti.BAIL Orders in this format

KSM18/02/2021

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