



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.MP.No.5587 of 2021

in

Crl.O.P.No.19509 of 2020

M.Ganesan

..Petitioner

-Vs-

The State Rep. by
The Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore.

Crime No.1492 of 2020

..Respondent

Criminal Miscellaneous petition filed under Section 482 of Cr.PC to modify the condition imposed in para No.7 on the petitioner in Crl.OP.No.19509 of 2020 dated 08.04.2021.

For Petitioner : Mr.A.Gokulakrishnan

For Respondent : Mr.A.Gopinath, GA (Crl. Side)

O R D E R

This miscellaneous petition has been filed to modify the condition imposed on the petitioner in para No.7 of the order dated 8.4.2021 passed in Crl.OP.No.19509 of 2020.

2. When the matter came up for hearing on 08.04.2021, this Court, while granting anticipatory bail to the petitioner, passed the following order:-

'7. Accordingly, the petitioner is directed to deposit 1000 grams of gold or the value of 1000 grams of gold prevailing on the date when such deposit is made, to the credit of Crime No.1492 of 2020 on the file of the Judicial Magistrate No.5, Coimbatore and on such deposit being made, the petitioner shall be released on bail in



the event of arrest or on his appearance, within a period of three weeks from the date on which the order copy is made ready, before the Judicial Magistrate No.5, Coimbatore and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

* * * * *

3. The present petition has been filed for modification of the condition relating to the deposit of 1000 grams of gold or its value thereof.

4. Learned counsel appearing for the petitioner submitted that on 22.6.20, the defacto complainant had given 1058 grams of gold to the petitioner for making jewels of which the petitioner had returned 400 grams of gold ornaments on 25.06.2020 and 388 grams of gold ornaments on 26.06.2020 and that he is ready and willing to return the balance of 270 grams of gold back to the defacto complainant. Therefore, the petitioner prays that he may be permitted to return the balance 270 grams of gold back to the defacto complainant and the condition imposed in para-7 of the order be modified accordingly.

5. This Court, vide order dated 8.4.21, granted anticipatory bail to the petitioner on the ground that the petitioner, on his own volition, was ready and willing to deposit a considerable gold/amount equivalent to the said gold to the credit of the crime number and, accordingly directed the petitioner to deposit gold to the tune of 1000 grams or amount equivalent to the said 1000 grams.

6. This miscellaneous petition has been filed by the petitioner on the premise that the total gold received by the petitioner is only to the tune of 1058 grams of which 788 grams have already been returned to the petitioner and that the petitioner is willing to return the balance of 270 grams and, accordingly, seeks modification of the order to the effect that instead of depositing 1000 grams or amount equivalent thereof, the petitioner be permitted to pay back the 270 grams. A perusal of the FIR registered on the basis of the complaint given by the defacto complainant reveals that gold ingots weighing about 2444 grams have been handed over to the petitioner of which, even according to the petitioner, he has returned only 788 grams. That being the case, the balance of gold, alleged to be at the hands of the petitioner works out to about 1656 grams. This Court, only on the ground that the balance of gold at the hands of the petitioner, which is to be returned to the defacto complainant, works out to about 1656 grams, had directed deposit of 1000 grams of



gold or amount equivalent to 1000 grams to the credit of the crime number. The present modification sought by the petitioner contending that only 1058 grams of gold from the defacto complainant is not borne out by any record and is a totally new stand taken by the petitioner in the present miscellaneous petition, which clearly shows that the intent of the petitioner is only to defeat the claim of the defacto complainant. This Court is unable to understand wherefrom the petitioner has arrived at a quantity of 1058 grams as gold received from the defacto complainant when there is no whisper in the main original petition as to the said quantity having been received from the defacto complainant. Further, it is the specific case of the respondents on the basis of the complaint of the defacto complainant that the total amount of gold given to the petitioner is to the extent of 2444 grams. Such being the case, the present petition for modification of the order is nothing but an attempt to frustrate the bona fide claim of the defacto complainant, which cannot be permitted.

7. In the above backdrop, this petition for modification of the condition, imposed in para-7 of the order dated 8.4.2021, sought for does not merit acceptance and, accordingly, this miscellaneous petition is dismissed. Time is extended by a period of three weeks from the date of receipt of a copy of this order for the petitioner to deposit the 1000 grams of gold, as ordered by this Court in para-7 of the order dated 8.4.2021, and to surrender before the Judicial Magistrate aforesaid failing which the anticipatory bail shall stand automatically dismissed.

-sd/-
02/06/2021

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,
NO.5, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D-2, SELVAPURAM CRIME POLICE STATION,
COIMBATORE.

C.C. to M/S.A.GOKULAKRISHNAN Advocate on payment of necessary
charges

Order

in
CRL MP.5587/2021

in
CRL OP.19509/2020

Date :02/06/2021

From 7.2.2001 the Registry is issuing certified
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