



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.9091 of 2021

IN CRL OP.17985 of 2019

K.E.ESWARI

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
W-31, ST.THOMAS MOUNT
ALL WOMEN POLICE STATION,
CHENNAI.
CRIME NO.5 OF 2019

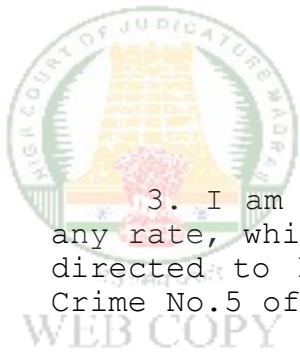
[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the condition No.5(b) in Crl.OP.No.17985 of 2019 in Cr.No.5 of 2019 on the file of AWPS, St.Thomas Chennai order dated 14.11.2019 and pass any such order to the facts and circumstances of the case.

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.R.A.SHINUSHA, Advocate for M/S.D.SELVAM, Advocate for the Petitioner and of M/S.E.RAJ THILAK, Additional Public Prosecutor on behalf of the Respondent and MR.K.V.MUTHU VISAKAM, for Intervening Petitioner the court made the following order:-

Heard Ms.R.A.Shinusha, learned Counsel for the petitioner, Mr.E.Raj Thilak, learned Additional Public Prosecutor on behalf of the first respondent. Mr.K.V.Muthu Visakam, learned Counsel for the intervening petitioner/defacto complainant also present through Video Conferencing and was also heard.

2. This Court had granted anticipatory bail to the petitioner, by order, dated 14.11.2019 in Crl.O.P.No.17985 of 2019. The petitioner herein faced allegations of commission of offences under Sections 420 and 506(i) of I.P.C in F.I.R in Crime No.5 of 2019.



3. I am not going into the merits of the said complaint, but, at any rate, while granting anticipatory bail, a sum of Rs.7,00,000/- was directed to be deposited in the jurisdictional Magistrate Court of Crime No.5 of 2019. Said order had been complied with.

4. Now the present petition has been filed by the petitioner seeking modification, stating that the petitioner is prepared to furnish the title deeds of particular property in lieu of Rs.7,00,000/-.

5. The learned Counsel for the defacto complainant, however, objects to the same stating that in the order, granting anticipatory bail, it had been observed that Rs.7,00,000/- has to be disbursed in accordance with the judgment to be delivered on conclusion of trial.

6. The learned Additional Public Prosecutor states that investigation is practically completed and final report would be filed very shortly. That should be done and let the parties go before the Trial Court, adduce evidence and get a judgment on merits. Thereafter, let the learned Magistrate discuss about the disbursement of Rs.7,00,000/-, in accordance with the order, dated 14.11.2019, in CrI.O.P.No.17985 of 2019.

7. I am afraid it would not be proper for me to modify the earlier order, since the interest of the respondent, is also to be considered.

8. With the above said observation, the present Criminal Miscellaneous Petition is dismissed.

-sd/-
30/09/2021

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,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION].



3 THE INSPECTOR OF POLICE
W-31, ST. THOMAS MOUNT
ALL WOMEN POLICE STATION, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.D.SELVAM Advocate on payment of necessary charges

Order

in
CRL MP.9091/2021

in
CRL OP.17985/2019

Date :30/09/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

JPA 06/10/2021