



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MR. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21860 of 2021

Kathirvel

... Petitioner

Vs.

State represented by its
The Sub Inspector of Police,
DCB, Cuddalore.
(Crime No.2 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. to extend the time for depositing the amount of Rs.5,00,000/- (Rupees Five lakhs only) to the credit of the CMP.No.994 of 2021 on the file of the Judicial Magistrate, Tittagudi dated 12.08.2021 and I have no other alternative remedy except to invoke in the inherent powers of this Hon'ble Court under Section 482 of Cr.P.C seeking modification.

For Petitioner : Mr.R.Saravanan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original petition has been filed to extend the time for depositing the amount of Rs.5,00,000/- to the credit of CMP.No.994 of 2021 on the file of the Judiicial Magistrate, Tittagudi dated 12.08.2021.

2. The case of the prosecution is that the petitioner along with other accused cheated the defacto complainant for huge amount of Rs.76,10,000/- in on-line trading business. Hence, a case was registered in Crime No.2 of 2021 for the offences punishable under Sections 406, 420, 506(i) r/w 34 of IPC.

3. The learned counsel for the petitioner submitted that while granting bail to the petitioner, the trial Court imposed a condition that the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Cr.No.2



of 2021 on the file of Judicial Magistrate, Tittagudi, out of which a sum of Rs.5,00,000/- shall be deposited by executing sureties and the remaining sum of Rs.5,00,000/- shall be deposited within a period of four weeks. However, he is unable to mobilize the funds to deposit the balance amount within the stipulated time. Hence, the modification petition has been filed by the petitioner.

4.Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioner has committed very serious offence and hence the learned Magistrate has rightly imposed the above said condition.

5. Considering the facts and circumstances of the case, it reveals that based on the Trial Court order, the petitioner deposited a sum of Rs.5,00,000/- and he was released on bail. He partly complied the order and now after coming out of the bail, he refused to comply the remaining part of the bail order i.e., to deposit Rs.5,00,000/-. Now he is acting contrary to his undertaking which is unjustifiable one. Hence this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Tittagudi.
2. The Sub Inspector of Police,
DCB, Cuddalore.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.21860 of 2021

JPL(CO)
CT/14/12/2021