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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22086 of 2021

1. M.Karunanithi, Male Aged 58 years,
S/o.Muthusamy,
2. K.Nirmala, Female Aged 51 years,
W/o.Karunanithi. ... Petitioners/A2 & A3

Vs.

The State
Represented by Inspector of Police,
Vadavalli Police Station,
Coimbatore District.
(Crime No.659 of 2021) ...Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Sections 439(1)(b) of the Code of Criminal Procedure, to modify the conditions No.(iv) imposed by the Hon'ble Principal District and Sessions Court, Coimbatore while granting anticipatory bail to the petitioners by order dated 09.11.2021 in Crl.M.P.No.3923 of 2021 with the condition that the petitioners should furnish either cash security for Rs.7 Lakhs or they should furnish a valid security for Rs.7 Lakhs to the satisfaction of the learned Judicial Magistrate No.6, Coimbatore and to extend the time for surrendering before the said Hon'ble Magistrate.

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

O R D E R

This Criminal Original Petition has been filed to modify the condition No.(iv) imposed by the learned Principal District and Sessions Judge, Coimbatore, in Crl.M.P.No.3923 of 2021 dated 09.11.2021.



2. The learned counsel for the petitioners submitted that the lower Court, while granting anticipatory bail to the petitioners, the trial Court imposed a condition that the petitioners should furnish either cash security for Rs.7 Lakhs or they should furnish a valid security for Rs.7 Lakhs to the satisfaction of the learned Judicial Magistrate No.6, Coimbatore. He further submitted that they are neither have cash of Rs.7 Lakhs and nor have any property value worth about Rs.7 Lakhs and they are aged persons and struggling in their day to day life by economically. Hence, he modify the onerous conditions imposed by the Court below.

3. Heard the learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the condition imposed by the court below is not onerous and he therefore, prays to dismiss the petition.

4. Considering the facts and circumstances of the case, the condition imposed by the court below is reasonable for the reason that the defacto complainant was cheated by the 1st petitioner for the tune of Rs.14 Lakhs by way of borrowing money and the jewels, apart from that she also cheated many girls by giving false promise to marry them. So the trial Judge considered, instead of referring it to mediation. But the parties have not co-operated for the settlement, so the defacto complainant gave a complaint. But the facts and circumstances of the case, justifies that deposit of Rs.7 lakhs ordered by the learned trial Judge is reasonable one. Even at the time of seeking bail, the petitioner undertakes that they would abide for any condition but, now after passing of the order, they seek modification, which goes against their undertaken. I do not find nay merit in this application and therefore, this Court is not inclined to modify the condition imposed by the court below. Accordingly, this Criminal Original Petition is dismissed and the time is granted to the petitioners for a further period of two weeks from the date of receipt of a copy of this order to comply the conditions imposed in CrI.M.P.No.3923 of 2021 on the file of the learned Principal District & Sessions Judge of Coimbatore. The other conditions imposed by the Court below shall remain intact.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



msrm

To

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1. The Principal District and Session Judge,
Coimbatore.
2. The Judicial Magistrate No.VI,
Coimbatore.
3. The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.
4. The Public Prosecutor,
Madras High Court.

Crl.O.P.No.22086 of 2021

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srg 15/12/2021