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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.30083 of 2018

M.Prema
(W/o. K. Madasamy)

... Petitioner/Defendants/2nd Accused

Vs.

State rep. by
The Sub Inspector of Police,
Central Crime Branch II,
EDF III Vepery,
Chennai - 600 008.

...Respondent/ Respondent/Complainant

PRAYER: Criminal Original petition has been filed under Section 482 of Cr.P.C, to set aside the order of the Learned District Court at Thiruvallur dated 10/07/2018 in Crl.M.P.No.1974 of 2016 and grant the petitioner fifteen days extension of time to execute to the surety in Crl.M.P.No. 141 of 2016 on Learned District Court at Thiruvallur.

For Petitioner : Mr. P. Jesus Moris Ravi

For Respondent : Mr. C.E. Pratap
Government Advocate (Crl.Side)

ORDER

This petition is filed against the order passed by the Learned District Court at Thiruvallur dated 10/07/2018 in Crl.M.P.No.1974 of 2016 and to extent the time for execution of the surety in Crl.M.P.No. 141 of 2016.

2. The case of the prosecution is that the petitioner, who are arrayed as A2, was implicated for the offences under Section 420, 506(i) read with 34 IPC in Crime No.172 of 2015 on the file of the respondent police, in which, the petitioner filed anticipatory bail before the learned District Judge, Tiruvallur and the same was taken on file in Crl.MP.No.141 of 2016 and the learned District Judge was granted anticipatory bail to the petitioner vide order dated 06.02.2016 with certain conditions. The said conditions are extracted hereunder:



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'' 1. the petitioners shall pay the admitted debt of Rs.13.50 lakhs to the defacto complainant on or before 19.02.2016.

2. the defacto complainant shall issue receipt for the same.

3. On production of the receipt for payment of Rs.13.5 lakhs the learned Judicial Magistrate-I, Poonamallee shall release the petitioners getting a bond from each and two sureties each for a like sum and one of the surety must be the blood relative of the petitioners.

4. The petitioners are directed to surrender before the Judicial Magistrate-I, Poonamallee within 15 days.

5. Further, the petitioners 1 and 2 shall report before the respondent police at 10.30 am until further orders''

3 Aggrieved by the said condition Nos.1 & 2, the petitioner and other accused filed a modification petition in CrI.OP.No.3615 of 2016 before this Court and this Court, vide order dated 18.02.2016, disposed of the petition and modified the conditions 1 and 3 and the same are extracted hereunder:

''6. In respect of condition No.(1) in the petition itself the petitioners have admitted that they owe Rs.13.5 lakhs and also undertakes to pay the admitted amount. On that basis only, the trial Court has passed an order directing the petitioners to pay Rs.13.5 lakhs to the defacto complainant. Hence, I do not find any reason to reduce the amount. So, the condition No.1 stands good and there is no need for any modification of the condition.

7. In respect of condition No.3, the petitioners are not only accused in this case but also involved in so many cases and non-bailable warrant was pending against them in several cases. Therefore, the petitioners shall execute a bond for Rs.2.5 lakhs each instead of Rs.5 lakhs and two sureties each for alike sum and one of the surety must be the blood relative of the petitioner within fifteen days from the date of receipt of a copy of this order''

4. Again, the petitioner filed an extension petition in CrI.MP.No.1947 of 2016 before the learned Principal Sessions Court, Tiruvallur and the same was dismissed. Challenging the said order dated 10.07.2018, the present petition has been filed before this Court.

5. The learned counsel for the petitioner submitted that the petitioner is ready to comply with all the conditions imposed by the trial Court. Due to lack of blood surety, the petitioner was not able to produce the same before the trial Court. The learned counsel seeks fifteen days time to comply with the order of the trial Court.



6. The learned Government Advocate has not raised any serious objection as the prayer sought for by the petitioner.

7. Taking into consideration the facts and circumstances of the case and also taking note of the intervening pandemic situation, this Court deems it fit to give one last opportunity to the petitioner to extend the time for fifteen days to produce the blood surety before the trial Court. It is made clear that if the petitioner fails to comply with the order, the order passed by the Court below would stand automatically restored.

8. In the result, this Criminal Original petition is allowed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Judge,
Thiruvallur.
2. The Sub Inspector of Police,
Central Crime Branch II,
EDF III, Vepery
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Jesus Moris Ravi, Advocate Sr.44428

Cr1.O.P.No. 30083 of 2018

pvs[col]
srg 26/10/2021