



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Third day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.1616 of 2021
IN
CRL OP(MD) No.11752 of 2020

BHUVANESWARI

... PETITIONER/ PETITIONER

Vs

1 STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
CRIME NO.22/2018.

2 RAMADASS

... RESPONDENTS/ RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Pass an **ORDER OF MODIFICATION**, to modify the condition in so far as the Petitioner is directed to deposit a title deed stands in her name or relatives or friends name not less than Rs.1 Crore to the credit of Crime No.22 of 2018 with proper valuation certificate issued by the authorities concerned within a period of two weeks made in Order dated 03.11.2020 in Crl.O.P(MD)No.11752 of 2020 on the file of this Hon'ble Court.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.S.JEYAKARHTIK, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate(Criminal Side) for the 1st Respondent and Mr.T.VILLAVANKOTHAI, Advocate for the 2nd Respondent, the court made the following order:-

This petition is filed to modify the conditions in Crl.O.P. (MD).No.11752 of 2020, dated 03.11.2020.

2.The learned counsel appearing for the petitioner submitted that the petitioner was granted anticipatory bail by this Court in Crl.O.P. (MD).No.11752 of 2020, 03.11.2020, directing the petitioner to deposit a title deed stands in her name or relatives or friends' name not less than Rs.1 Crore to the credit of Crime No.22 of 2018 with proper valuation certificate issued by the authorities



concerned within a period of two weeks. He further submitted that the petitioner had produced title deeds of the properties in executing sureties at that time, the same was not accepted and returned by the trial Court for the reason that one of the properties produced by the petitioner were attached by the learned District Judge, Sivagangai, vide fair and decreetal order dated 28.06.2019 made in I.A.No.02 of 2019 in O.S.No.10 of 2019. He further submitted that the petition in I.A.No.02.2019 in O.S.No.10 of 2019 had been filed by the defacto complainant for the very same prosecution on the civil Court. He further submitted that the interest of the defacto complainant is unaffected and those attachments would not away the diminish the value or create hindrance or obstruction for the defacto complainant. He further submitted that the petitioner has also produced the proper valuation report for the same properties and from the valuation report, it is seen that the property's value is more than Rs.1 Crore. Hence, the present petition has been filed.

3.The learned counsel appearing for the defacto complainant submitted that the petitioner and her husband have been arrayed as accused in this case. He further submitted that both the petitioner and her husband are executed same properties as sureties. He further submitted that while the petitioner executing title deeds before the Criminal Court, it would only cause delay and protractive the proceedings in the civil Court proceedings.

4.Heard the learned counsel for the petitioner and the intervener/defacto complainant and learned Government Advocate (Crl.Side) for the first respondent.

5.Considering the reasons stated in the petition, the trial Court is directed to consider the sureties and accept the same, if it is otherwise.

6.Accordingly, this Criminal Miscellaneous Petition is disposed of.

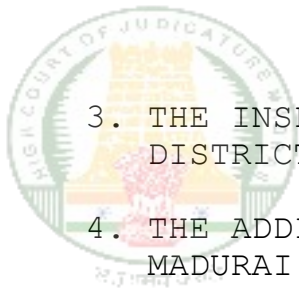
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03/03/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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ORDER
IN
CRL MP(MD) No.1616 of 2021
IN
CRL OP(MD) No.11752 of 2020
Date :03/03/2021
1/2

vsg
MS/VR/SAR-1/09.03.2021/3P.5C