



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.2685 of 2022

1.Mala Agarwal
2.Suraj Mukhi Rai

... Petitioners

Vs.

Rajiv Agarwal
No.4B, Sagar Sita,
First Main Road,
Kapaleswar Nagar,
Neelangarai, Chennai - 600 041.

... Respondent

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to modify the conditions as imposed by the learned District Judge in CrlM.P.No.305 of 2022 on the file of the Principal Sessions Judge of Kancheepuram District at Chengalpattu and enlarge the petitioners on bail.

For Petitioners : Mr.R.Vivekananthan

For Respondent : Mr.R.Amizhdhu

ORDER

This Criminal Original Petition has been filed to modify the condition imposed by the learned Principal Sessions Judge of Kancheepuram District at Chengalpattu in Crl.M.P.No.305 of 2022 dated 28.01.2022.

2. The Petitioners are arrayed as accused in C.C.No.588 of 2017 on the file of Judicial Magistrate No.II, Alandur for the offences punishable under Sections 109 r/w 494, 495 of IPC.

3. The Petitioners were absent during the trial in C.C.No.588 of 2017, on the file of the learned Judicial Magistrate No.II, Alandur. Therefore non bailable warrant came to be issued on 20.12.2021 at 3.00 p.m.

4. The learned counsel appearing for the petitioners undertakes that the petitioners shall appear before the trial Court regularly on all future hearing dates without fail. However, the trial Court are directed to deposit a sum of



Rs.25,000/- each into the account of the Judicial Magistrate No.II, Alandur in CC.No.588 of 2017. On such deposit, the petitioners are ordered to be released on bail on his execution of bond for Rs.10,000/- and to furnish one surety for a like sum to the satisfaction of the Judicial Magistrate No.II, Alandur. However, the petitioners are not able to deposit the said amount. Hence, the modification petition has been filed by the petitioners.

5 Heard the learned Additional Public Prosecutor appearing for the respondent police.

6. On seeing the fact, that the case is pending from the year of 2016, due to non-co-operation of these petitioners, the case is dragged on. However, the petitioners are directed to deposit the said amount on release from jail and they should co-operate for the trial proceedings and to that effect they should file their affidavit before the trial proceedings. The concerned Magistrate is directed to complete the proceedings in C.C.No.588 of 2017 on the file of Judicial Magistrate No.II, Alandur, within a period of three months from the date of receipt of copy of this order.

7. With the above modification, this Criminal Original Petition is ordered.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

drl

To

1.The Principal Sessions Judge,
Kancheepuram District at Chengalpattu.

2.The Judicial Magistrate No.II,
Alandur.

3.The Superintendent,
Central Prison for Women, Puzhal, Chennai.

+1cc to M/s.R.Vivekananthan, Advocate, S.R.No.7565

Cr1.O.P.No.2685 of 2022

CP(CO)
SB(08/02/2022)