



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL MISCELLANEOUS PETITION Nos.3224 & 3226 of 2022

IN CRL OP.4635 of 2022

KAVITHA SHENBAGEM

[PETITIONER
IN BOTH PETITIONS]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
NADUVATTAM POLICE STATION,
NADUVATTAM,
UDHAGAMANDALAM TALUK,
NILAGIRI DISTRICT.
CRIME NO.20 OF 2021.

[RESPONDENT
IN BOTH PETITIONS]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) Modify the condition imposed in para-6(b) the order passed by this Hon`ble Court in Crl.O.P No. 4635/2022 dated 25.02.2022. [CRL.MP.No.3224/2022]

(ii) Extend the time to executing the sureties in Crl.O.P No.4635/2022 order dated 25.02.2022. [CRL.MP.No.3226/2022]

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of K.SANKAR, Advocate for the petitioner [IN BOTH PETITIONS] and of MR.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent [IN BOTH PETITIONS] the court made the following order:-

These criminal miscellaneous petitions have been filed to modify the condition imposed in Crl.OP.No.4635 of 2022 dated 25.02.2022 and to extend the time to execute bail bond.



2. Heard the learned counsel appearing for the petitioner.

3. The petitioner is arrayed as an accused in Cr.No.20 of 2021 pending on the file of the respondent police. The said case has been registered under Sections 379, 427 and 430 of IPC. After knowing the pendency of the F.I.R., the petitioner herein filed Crl.OP.No.4635 of 2022, wherein she has prayed to enlarge her on anticipatory bail. This Court by order dated 25.02.2022, enlarged the petitioner on bail with usual conditions. Now she filed two miscellaneous petitions in Crl.MP.No.3226 of 2022 for extension of time for executing the bail bond and another one miscellaneous petition in Crl.MP.No.3224 of 2022 for modifying the condition as the non refundable deposit of Rs.50,000/- has to be changed as refundable deposit.

4. Now on go through the order passed by this Court, it seems while at the time of considering the anticipatory bail petition filed by the petitioner, the counsel himself made a submission as the petitioner is willing to deposit the said amount as non refundable deposit. Therefore, only after recording his willingness, this Court directed the petitioner to deposit Rs.50,000/- as a non refundable deposit through demand draft in favour of "The Chairman / District Collector, District Mineral Foundation Trust of the concerned District". Now after obtaining the positive order, the petitioner herein attempted to change the condition. The said approach made by the petitioner is found not correct. In otherwise, the said condition to deposit Rs.50,000/- is not determined by this Court and only based on the willingness given by the petitioner, the same has been determined.

5. Therefore in view of the above, this Court is not inclined to allow the modification petition and accordingly, the petition in Crl.MP.No.3224 of 2022 is dismissed.

6. However, the petition in Crl.MP.No.3226 of 2022 is allowed and the time for executing the bail bond is extended finally by two weeks from the date of receipt of a copy of this order.

-sd/-
17/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUDALUR,
NILGIRIS DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NADUVATTAM POLICE STATION,
NADUVATTAM, UDHAGAMANDALAM TALUK,
NILAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
NILGIRIS DISTRICT.

+1 C.C. to K.SANKAR Advocate on payment of necessary charges
SR.NO.4161

Order
in
CRL MP.3224 & 3226/2022
in
CRL OP.4635/2022

Date :17/03/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

JPA 23/03/2022