



Cont.P.No.576 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

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Abhinav Mathew

... Petitioner

Vs.

1. Philip Jacob

2. Teenu Philip

... Respondents

Prayer:- Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the first and second respondents herein for the wilful and deliberate disobedience of the order dated 21.01.2020 in CrI.O.P.No.649 of 2020.

For Petitioner : Mr.Nithyaesh Natraj

ORDER

This Contempt Petition has been filed to punish the respondents 1 & 2 for non compliance of the order dated 21.01.2020 passed by this Court in CrI.O.P.No.649 of 2020, thereby directing the respondents to re-pay the balance cheated amount to the defacto complainant by five monthly instalments and the first instalment should be paid on or before 05.02.2020.

2. The learned counsel appearing for the petitioner/defacto



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complainant would submit that the respondents failed to comply the conditions imposed by this Court and prayed to punish them.

3. On perusal of the order dated 21.01.2020 passed by this Court in Crl.O.P.649 of 2020, this Court granted bail to the respondents herein on the following conditions:-

“6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties, each for a like sum to the satisfaction of the learned CCB Metropolitan Magistrate for exclusive trial of CCB and CBCID Metro cases, Egmore, Chennai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall pay the 1st instalment on or before 05.02.2020 and the next successive instalments should be paid on or before 5th of successive months.

[c] the petitioners shall report before the



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respondent police once in fortnight i.e., 1st and 15th of every month until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

*[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.*

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC."

4. Though the respondents failed to comply the conditions imposed by this Court while they were granted bail, they have not committed any contempt, since if any of the conditions failed to follow by the respondents, the learned Magistrate/trial Court is entitled to take appropriate steps as against the respondents in accordance with law. That apart, the petitioner also



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filed a petition to cancel the bail granted to the respondents, before this Court in CrI.O.P.No12778 of 2020, and the same is pending. Therefore, there is no contempt made out as against the respondents.

5. Accordingly, this Contempt Petition is dismissed.

24.06.2022

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

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G.K.ILANTHIRAIYAN, J.

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