



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL MISCELLANEOUS PETITION No.6653 of 2022

IN CRL OP.3905 of 2022

E.NIXON

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
B-3, FORT POLICE STATION,
CHENNAI.
CRIME NO. 10 OF 2022

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Modify the Condition imposed in Para No.8(c) in Crl.OP.3905/2022 dated 21.02.2022 and pass such further or other orders

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.R.GIRIJA, Advocate for the petitioner and of M/S.V.J.PRIYADARSANA, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner was granted anticipatory bail in Crl.O.P.No.3905 of 2022 by Order dated 21.02.2022 on the following conditions:-

"8. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned VII Metropolitan Magistrate, George Town;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



(c) the petitioner should deposit Rs.10,00,000/- [Rupees Ten Lakhs] immediately, to the credit of Crime No.10 of 2022 before the learned VII Metropolitan Magistrate, George Town; and within 30 days from the date of execution of bond, he should deposit the remaining Rs.4,05,000/- [Rupees Four Lakhs Five Thousand only] and afterwards, the trial court is directed to return those amount of Rs.14,05,000/- to the persons, who are all alleged to be cheated by the petitioner as stated in the affidavit and if the petitioner is not deposited Rs.4,05,000/- as agreed within a month, this order is suo motu cancelled as the bail petition is dismissed;

(d) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC."

2. Accordingly, the petitioner deposited a sum of Rs.10,00,000/- and it is laying in the account of the Crime No.10 of 2022 on the file of the VII Metropolitan Magistrate, George Town, Chennai. Further, this Court has directed to deposit Rs.4,05,000/- within thirty days from the date of execution of bond. Accordingly, the petitioner deposited the further sum. On such deposit, the trial Court was directed to return the said amount to the persons who are alleged to be cheated by the petitioner. However, a letter written by one of the victim stated that he do not have any acquaintance with the petitioner and even till today, no victims were found by the respondent. Therefore, the petitioner seeks modification of the Order passed by this Court.

3. That apart, investigation in this case is still pending and considering the above facts and circumstances, the amount deposited by the petitioner to the tune of Rs.14,05,000/- in the account of Crime No.10 of 2022 on the file of the learned VII Metropolitan Magistrate, George Town, Chennai is directed to be kept pending till the completion of the investigation in Crime No.10 of 2022.



4. With the above modification, this Criminal Miscellaneous petition is ordered.

WEB COPY

-sd/-
08/06/2022

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 METROPOLITAN MAGISTRATE,
NO.VII, GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B-3, FORT POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 C.C. to M/S.R.GIRIJA Advocate on payment of necessary charges
SR.NO.8629

Order
in
CRL MP.6653/2022
in
CRL OP.3905/2022

Date :08/06/2022

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

JPA 14/06/2022