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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.NO.13111 OF 2022

G.Bharat Kumar

...Petitioner

Vs.

State rep.by
The Inspector of Police
City Crime Branch Police Station
Coimbatore City,
Crime No.49/2021

...Respondent

Prayer :- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 12.05.2022 made in Crl.M.P.No.2375 of 2022 in Crl.M.P.No.1374 of 2022 on the file of the Principal Sessions Court, Coimbatore.

For Petitioner : M/s.R.Prabakar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

O R D E R

The Criminal Original Petition has been filed to modify the condition 6(iv) imposed by the learned Principal District and Sessions Judge, Coimbatore in Crl.M.P.No.1374 of 2022 vide order dated 27.04.2022.

2. The learned counsel for the petitioner submitted that the defacto complainant and the petitioner were doing business on partnership basis. During the course of business, loss incurred. The defacto complainant received amount from various persons and blamed the petitioner to pay the same. The petitioner received only a sum of Rs.20 lakhs from the defacto complainant. Thereafter the defacto complainant gave a complaint to the respondent police and the petitioner was arrayed as an accused in Crime No.49 of 2021, registered by the respondent police for the offence under Sections 120 (B), 406 and 420 IPC. The petitioner had applied for anticipatory bail before the Principal District and Sessions Court, Coimbatore in Crl.M.P.No.1374 of 2022. The learned Sessions Judge by an order



dated 27.04.2022, had granted anticipatory bail with the following conditions

(iv) After his released, the petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty lakhs Only) to the credit of the same in Crime No.49 of 2021 CCB Police Station, before the Judicial Magistrate No.VII, Coimbatore within 30 days from today. After the deposit the learned Judicial Magistrate No.VII, Coimbatore is directed to deposit the said amount in any one of the Nationalised Bank initially for a period of one year and thereafter renewable periodically

(or)

The petitioner shall furnish a valid security document for not less than a sum of Rs.20,00,000/- before the learned Judicial Magistrate No.VII, Coimbatore within 30 days from today. The security document should be free from encumbrance. In turn, the Court office concerned is directed to keep the said security document in safe custody till the disposal of the case.

3. He further submitted that the petitioner had applied for modification of the above condition in CrI.MP.No.2375 of 2022 before the Principal District and Sessions Judge, Coimbatore whereby the lower Court dismissed the petition by order dated 12.05.2022. Since the petitioner has no means to pay such a huge amount nor any documents he sought for modification of the above conditions imposed on him by the lower Court. However he submitted that the petitioner is ready to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.49 of 2011 CCB Police Station, before the Judicial Magistrate No.VII, Coimbatore.

4. Per contra, the learned Additional Public Prosecutor would submit that huge amount of money involved in this case and the petitioner cheated the defacto complainant to the tune of Rs.2 crores. Therefore, he vehemently opposed to modify the condition imposed by the Court below.

5. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6. Considering the facts and submissions made by the learned counsel for the petitioner, the condition imposed upon the petitioner in CrI.M.P.No.1374 of 2022 vide order dated 27.04.2022 in para 6(iv) alone is modified as follows and the other conditions remains unaltered.

(iv) The petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) instead of Rs.20,00,000/- (Stated earlier) to the



Credit of Crime No.49/2021, CCB Police Station
before the Judicial Magistrate No.7, Coimbatore.

On such deposit there is no need to furnish any valid security document and the petitioner shall also execute sureties on the date of deposit as ordered by the learned Principal District and Sessions Judge, Coimbatore. Deposit of a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) shall be made within a period of one week from the date of receipt of a copy of this order. Other conditions passed by the learned Principal District and Sessions Judge, Coimbatore shall be followed scrupulously.

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

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

dpq

To

- 1.The Principal Sessions Judge,
Coimbatore.
- 2.The Inspector of Police
City Crime Branch Police Station
Coimbatore City.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to M/s.R.Prabhakar, Advocate Sr.No.33241

CRL.O.P.No.13111 of 2022

RP (CO)
RVM(21/06/2022)