



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.06.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P. No.12786 of 2022

G. Sunil @ Sunil Gopi

... Petitioner

Vs.

State

Rep. by Inspector of Police,
District Crime Branch Police Station,
Coimbatore.

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) r/w 482 of Cr.P.C. to modify the condition imposed in para 5(ii) in the order dated 11.04.2022 in Crl.M.P.No.1687 of 2022 passed by the Principal District and Sessions Judge, Coimbatore, that the petitioner shall deposit a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) to the credit of the same in Crime No.7 of 2022 of the DCB Police Station before the Judicial Magistrate, Madukkarai within 30 days from today and also directed the learned Judicial Magistrate, Madukkarai to deposit the said amount in any one of the nationalized banks initially for the period of one year and thereafter renewable periodically or the petitioner shall furnish valid security document for not less than a sum of Rs.35,00,000/- before Judicial Magistrate, Madukkarai. The security document should be free from encumbrance and further directed to keep the said security document in safe custody till the disposal of the case.

For Petitioner : Mr.C.Manishankar, Senior Counsel
For M/s.C.S.Kiran

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl.side)

For Intervenor : Mr.Nandagopal

O R D E R

This petition is filed for modification to modify the condition imposed in para 5(ii) in the order dated 11.04.2022 in Crl.M.P.No.1687 of 2022 passed by the Principal District and Sessions Judge, Coimbatore, that the petitioner shall deposit a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) to the credit of the same in Crime No.7 of 2022 of the DCB Police Station before the Judicial Magistrate, Madukkarai within 30 days from today and also directed the learned Judicial Magistrate, Madukkarai to deposit the said amount in any one of the nationalized banks initially for the period of one year and



thereafter renewable periodically or the petitioner shall furnish valid security document for not less than a sum of Rs.35,00,000/- before Judicial Magistrate, Madukkarai. The security document should be free from encumbrance and further directed to keep the said security document in safe custody till the disposal of the case.

2. Heard, learned Senior Counsel appearing for the petitioner, learned counsel appearing for the de-facto complainant/intervenor and the learned Government Advocate (Crl.Side).

3. The learned Senior Counsel appearing for the petitioner submitted that pursuant to the complaint lodged by the de-facto complainant, he was arrested and remanded to judicial custody in Crime No.07 of 2022 registered for the offence under Sections 406, 420, 471 & 420 of IPC. The trial Court while granting bail to the petitioner imposed condition that, the petitioner shall deposit a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) to the credit of the Crime No.7 of 2022 within a period of 30 days or the petitioner shall furnish valid security documents for not less than a sum of Rs.35,00,000/- (Rupees Thirty Five Thousand Only). He further submitted that, the petitioner and one Mohammed Basheer executed sale deed in favour of the de-facto complainant dated 24.11.2021 registered by Doc.No.8682 of 2021 to an extent of 4.21 Acres which is adjacent to the property and subject matter of O.S.No.563 of 2014 filed by the 3rd party, the de-facto complainant who is in very much possession and enjoyment of the subject property. Even according to the case of the prosecution, some extent of encumbrance has been committed by the petitioner. Therefore, entire allegations are civil in nature and no offence as alleged by the prosecution is made out as against the petitioner. However, he further submitted that he is ready and willing to deposit some reasonable amount as directed by this Court to show his bonafide without prejudice to his right of defence.

4. Considering the above facts and circumstances, the condition imposed by the Principal District and Sessions Judge, Coimbatore in Crl.M.P.No.1687 of 2022 by the order dated 11.04.2022 is modified to the effect that, the petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of the same in Crime No.7 of 2022 of the DCB Police Station before the Judicial Magistrate, Madukkarai on or before 22.07.2022, failing which the bail granted by the Court below shall stand automatically canceled and the 1st respondent is directed to secure the petitioner and proceed as against him in accordance with Law. In so far as the other conditions are concerned, they shall remain intact.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//



mpl

To

1.The Principal District and Sessions Judge,
Coimbatore.

2.The Inspector of Police,
District Crime Branch Police Station,
Coimbatore.

3.The District Munsif cum Judicial Magistrate,
Madukkarai. (for compliance)

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.J.Nandagopal, Advocate, S.R.No. 39231

CRL.O.P. No.12786 of 2022

BP(CO)
GN(27/06/2022)