



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

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

Crl.O.P.(MD) No.8021 of 2022

Chellakani

...Petitioner

Vs.

State rep by
Sub-Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
In Crime No.16/2022

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 r/w 439 (1)(6) Cr.P.C. praying to direct to call for the records and set aside the conditional order passed by the Court of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P. No.883 of 2022 on 22.04.2022 and allow this Criminal Original Petition.

For Petitioner : M/S. M. Jothi Basu

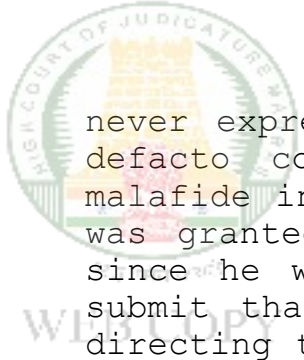
For Respondent : Mr. R.M.Anbunithi,
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to call for the records and set aside the conditional order passed by the Court of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P. No.883 of 2022 on 22.04.2022 and allow this Criminal Original Petition.

2. The learned counsel for the petitioner would submit that the petitioner was granted bail by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.883 of 2022 with a condition to deposit a sum of Rs.7,00,000/- before the trial Court within two weeks from the date of the order and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/-with two sureties each for the like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam. The learned counsel would further submit that the petitioner is only working as an agent and his duty is only to introduce the customers to the employer . He will introduce customer and receive the amount from the land owner and the other transaction

<https://hcservices.mca.gov.in/inservices>



never expressed that he is the owner of the property. Further the defacto complainant has impleaded him as an accused with the malafide intention. He would also submit that though the petitioner was granted bail on 22.04.2022, he is still in judicial custody, since he was unable to mobilize the huge amount . He would also submit that the condition imposed by the learned Sessions Judge, directing the petitioner to deposit a huge sum is onerous and hence he seeks modification of the said order.

3. The learned Additional Public Prosecutor would submit that there are totally five accused in this case and the petitioner herein is arrayed as A1. All the accused persons conspired together and cheated the defacto complainant to the tune of Rs.7,00,000/- He would also submit that if the condition is modified he will indulge in similar type of offences again, hence he seeks to dismiss the same.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

5. Taking into consideration the submission made by the learned counsel for the petitioner and also taking into consideration the period of incarceration, the condition imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.883 of 2022 to deposit a sum of Rs.7,00,000/- before the trial Court within two weeks from the date of the order is modified to the effect that the petitioner shall execute a bond for a sum of Rs.5,00,000- along with two solvency sureties each for the like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam within a period of two weeks from the date of receipt of a copy of this order and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties each for the like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam. All other conditions imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur shall remain unaltered.

6. With the above direction, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS-)

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/ /2022

Sub Assistant Registrar(CS)



1. The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur

2. The Judicial Magistrate Rajapalayam.

3. The Sub-Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.M. LAW OFFICE, Advocate (SR-22394[F] dated
29/04/2022)

CrI.O.P.(MD) No.8021 of 2022
28.04.2022

KMV(CO)
TR(29.04.2022) 3P 6C