



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P (MD)No.20475 of 2022

WEB COPY

1.Shanmugam
2.Logeswaran

... Petitioners/Accused No.1& 2
Vs

State Represented by
The Inspector of Police,
Lalgudi Police Station,
Kumbakonam,
Trichy District.
(In Crime No.282 of 2022)

... Respondent/Complainant

PRAYER: Petition filed under Section 439 (i)(b) r/w 482 of Cr.P.C., to modify the 1st & 2nd conditions i.e., to deposit a sum of Rs.1,00,000/- each to the credit of the case in Crime Number as 'without any deposit' and the petitioner should appear and sign before the respondent police station daily twice at 10.00 a.m and 05.00 p.m for the period of 30 days as 'as and when required' in Cr.M.P.No.4307 of 2022, dated 10.11.2022 on the file of the learned Principal District and Sessions Judge, Trichy.

For Petitioners : Mr.M.Subash Babu
For Respondent : Mr.M.Veerendhiran
Government Advocate (Crl.Side)

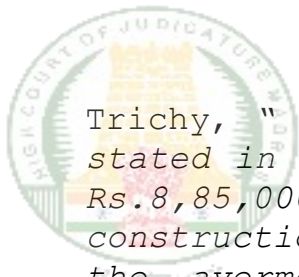
ORDER

This Criminal Original Petition has been filed to modify the 1st & 2nd conditions i.e., to deposit a sum of Rs.1,00,000/- each to the credit of the case in Crime Number as 'without any deposit' and the petitioner should appear and sign before the respondent police station daily twice at 10.00 a.m and 05.00 p.m for the period of 30 days as 'as and when required' in Cr.M.P.No.4307 of 2022, dated 10.11.2022 on the file of the learned Principal District and Sessions Judge, Trichy.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondent police.

3.Considering the submission made by both sides, the condition imposed on the petitioners in Cr.M.P.No.4307 of 2022, dated 10.11.2022, by the learned Principal District and Sessions Judge,

<https://www.mhctn.gov.in/>



Trichy, " On perusal of FIR, though the defacto complainant is stated in the FIR that the work has been completed to the worth of Rs.8,85,000/- and the remaining work is still pending and the construction has been stopped by the petitioner. While considering the averments in the FIR and considering the fact that the petitioners who are all said to be Engineers and the occurrence is said to be happened on 08.03.2021, till now the petitioners have not been arrested by the respondent police, in such circumstances, considering the entire facts and circumstances of the case, this court is inclined to grant anticipatory bail to the **petitioners on deposit of an amount of Rs.1,00,000/- each by the petitioners**, considering the fact that the petitioners who have completed the work to the tune of Rs.8,85,000/- as stated by the defacto complainant in the FIR. Hence, considering all those aspects, this court is inclined to grant anticipatory bail to the petitioners with the following conditions:

1.the petitioners/accused shall in the event of arrest by the respondent police or on their surrender before the Judicial Magistrate, Lalgudi on or before 24.11.2022 be released on bail on their **depositing a sum of Rs.1,00,000/- each (Rupees one lakh each) to the credit of the case** in crime number and also on their executing a bond for a sum of Rs.25,000/- each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Judicial Magistrate, Lalgudi.", **is modified to the effect that " On perusal of FIR, though the defacto complainant who has stated in the FIR that the work has been completed to the worth of Rs.8,85,000/- and the remaining work is still pending and the construction has been stopped by the petitioner. While considering the averments in the FIR and considering the fact that the petitioners who are all said to be Engineers and the occurrence is said to be happened on 08.03.2021, till now the petitioners have not been arrested by the respondent police, in such circumstances, considering the entire facts and circumstances of the case, this court is inclined to grant anticipatory bail to the **petitioners on deposit of an amount of Rs.25,000/- each by the petitioners****, considering the fact that the petitioners who have completed the work to the tune of Rs.8,85,000/- as stated by the defacto complainant in the FIR. Hence, considering all those aspects, this court is inclined to grant anticipatory bail to the petitioners with the following conditions:

1.the petitioners/accused shall in the event of arrest by the respondent police or on their surrender before the Judicial Magistrate, Lalgudi on or before 24.11.2022 be released on bail on their **depositing a sum of Rs.25,000/- each (Rupees Twenty Five Thousand each) to the credit of the case** in crime number and also on their executing a bond for a sum of Rs.25,000/- each with two sureties each for a like sum to the satisfaction of the respondent



police or the police officer who intends to arrest or the satisfaction of the Judicial Magistrate, Lalgudi." Similarly, the 2nd condition imposed upon the petitioners " **The petitioners/accused should appear and sign before the respondent police station daily twice at 10.00 a.m, and 05.00 p.m, for a period of 30 days.**" is modified to the effect that " **The petitioners/accused should appear and sign before the respondent police station every Sunday at 10.30 a.m for a period of 30 days.**". The other conditions passed in the order dated 10.11.2022, made in Cr.M.P.No.4307 of 2022, remain unaltered.

4.Time is extended for a period of two weeks for furnishing sureties.

5.The Criminal Original Petition is ordered accordingly.

Sd/-
22/11/2022

This Petition having been posted on 22/12/2022 "For being Mentioned" in pursuance to the order of this court dated 22/11/2022 and made herein in the presence of the abovesaid Advocate, this court made the following order:

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The case is listed under the caption "for being mentioned" at the instance of the learned Counsel for the petitioners.

2.The learned Counsel for the petitioners would submit that the petitioners were granted anticipatory bail by the learned Principal District and Sessions Judge, Trichy in Cr.M.P.No.4307 of 2022, dated 10.11.2022 with a direction to the petitioners to deposit a sum of Rs.1,00,000/- each to the credit of crime number on or before 24.11.2022. Subsequently, the petitioners have filed the above petition before this Court for modification and this Court by order, dated 22.11.2022, had modified the condition to the effect that the petitioners shall deposit a sum of Rs.25,000/- each. However, the time limit for depositing the amount was not extended and thereby, the learned Counsel for the petitioners seeks necessary modification in the order.

3.Taking into consideration the submissions made by the learned Counsel for the petitioners and also on perusing the materials available on record, the time for depositing the sum of Rs.25,000/- each is extended for a further period of two weeks from the date of receipt of a copy of this order.



4.The Registry is directed to carry out necessary co. is in the order, dated 22.11.2022 and issue fresh order copy to the parties concerned.

Sd/-

Assistant Registrar(CS III)

(*)Modified as per order dated 22.12.2022

Sd/-

Assistant Registrar(CS I)

// True Copy //

23/12/2022

Sub Assistant Registrar(CS)

DSS

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

(*) To be substituted the order already despatched on 08/12/2022

To:-

- 1.The Principal District and Sessions Judge,
Trichy.
- 2.The Inspector of Police,
Lalgudi Police Station,
Kumbakonam,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-56988[F] dated 23/11/2022)

Crl.O.P(MD)No.20475 of 2022
22.11.2022

MK/05.12.2022/4P/5C
MK/23.12.2022/4P/5C