



Crl.OP.No.16243 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.07.2023

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THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.16243 of 2023

1.Murali

2.Kavitha

3.Dhanapriya

..Petitioners

Vs.

1.State of Tamil Nadu

Rep. By Inspector of Police,
Thuraipakkam Police Station,
Cr.No.226 of 2023

2.Priyadharshini

...Respondents

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to modify the condition No.5 imposed in order dated 05.07.2023 in Crl.M.P.No.3539 of 2023 on the file of learned Principal Sessions Judge, Kancheepuram District at Chengalpattu by deleting the word,

“The defacto-complainant is entitled to withdraw the deposited amount before the Magistrate's Court, on proper identification”.

And permit the 3rd petitioner to appear before the 1st respondent



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police everyday at 6.30 p.m.

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For Petitioners : Mr.G.V.Sridharan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)
(For R1)

ORDER

This petition has been filed to modify the condition No.5 imposed in order dated 05.07.2023 in Crl.M.P.No.3539 of 2023 on the file of learned Principal Sessions Judge, Kancheepuram District at Chengalpattu by deleting the word,

“The defacto-complainant is entitled to withdraw the deposited amount before the Magistrate's Court, on proper identification”.

And permit the 3rd petitioner to appear before the 1st respondent police everyday at 6.30 p.m.

2.The learned counsel for the petitioners submitted that the petitioners were granted anticipatory bail in Crl.M.P.No.3539 of 2023 by the learned Principal Sessions Judge, Kancheepuram, Chengalpattu. While granting anticipatory bail to the petitioners, the learned Principal



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Sessions Judge, Kancheepuram, Chengalpattu, directed the petitioners to deposit Rs.10,000/- each in Cr.No.226 of 2023, Thuraipakkam Police Station and also permitted the defacto-complainant to withdraw the amount on proper identification. This condition is challenged for the reason that before the completion of trial, the defacto-complainant should not be permitted to withdraw this amount for the reason that there is a possibility of petitioners getting acquitted in this case.

3.In the circumstances stated by the learned counsel for petitioners, this Court modifies the condition No.5 imposed in CrI.M.P.No.3539 of 2023 ated 05.07.2023 as follows:-

“that the learned Judicial Magistrate No.II, Alandur, shall decide on the amount deposited by the petitioners at the end of trial for grant of compensation under Section 357 Cr.P.C.”

4.He further submitted that petitioners are school teachers. Thus, he prays for modification of condition No.4 that they may be permitted to sign at 6.30 p.m instead of 10.30 a.m. Thus, condition No.4 is also



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modified that petitioners are directed to report before the respondent Police at 6.30 p.m for 15 days.

5.Accordingly, this Criminal Original Petition is allowed. Other conditions are retained.

27.07.2023

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To

- 1.The Principal Sessions Judge, Kancheepuram,
Chengalpattu.
- 2.The Judicial Magistrate No.II, Alandur.
- 3.The Inspector of Police,
Thuraipakkam Police Station.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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