



CrI.O.P.(MD).No. 1619 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P.(MD).No.1619 of 2023

Jeyanthi @ Anthoniammal

...Petitioner/Petitioner

Vs.

**The State Rep. by
The Inspector of Police,
Ammayanaikanur Police Station,
Dindigul District.
Crime No.206 of 2022**

...Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to modify the order dated 07.01.2023 in CrI.M.P.No.108 of 2023 on the file of the learned Principal Sessions Judge, Dindigul.

For Petitioners

: Mr.J.Anandkumar

For Respondent

: Mr.M.Veeranthiran

Government Advocate (Crl. side)



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ORDER

This Criminal Original Petition has been filed to modify the order dated 07.01.2023 in Crl.M.P.No.108 of 2023 on the file of the learned Principal Sessions Judge, Dindigul.

2.The case of the prosecution, as per the de-facto complainant, is that the accused had induced him stating that she would be able to secure job as a Balwadi Teacher and believing her representation, the de-facto complainant had collected amounts to the tune of Rs.3,77,500/- from various persons and handed over to the accused and thereby, he has cheated.

3.The petitioner was arrested and remanded to judicial custody on 17.12.2022. The trial Court by order dated 07.01.2023 had granted bail on condition that the petitioner was directed to deposit Rs.3,77,500/- before the learned Judicial Magistrate, Nilakottai to the credit of Crime No.206 of 2022 on the file of the respondent police. Challenging the above said order, the petitioner has filed the present petition before this Court.



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4.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complainant has been given by the de-facto complainant. He would further submit that even a reading of the FIR would show that the de-facto complainant is the culprit and he is the person, who has collected the amounts from various persons on using the name of the petitioner. He would further submit that the petitioner was arrested on 17.12.2022 and she was granted bail on 07.01.2023 and the learned Principal Sessions Judge, Dindigul had imposed the onerous conditions directing the petitioner to deposit the entire amount to the credit of Crime No.206 of 2022. He would further submit that the Hon'ble Supreme Court as well as this Court in several Judgments, have held that imposing condition to deposit money alleged to be cheated in the complainant, while granting bail is onerous and even in a recent judgment of the Hon'ble Apex Court in ***Subhash Chouhan Vs. Union of India and Another reported in 2023 Livelaw (SC) 61***, has held that the onerous condition directing the petitioner to deposit money cannot be imposed while granting of bail. Hence, he would seek to set aside the above said order.

5.The learned Government Advocate (Crl. side) would submit that the learned counsel for the petitioner while arguing the case before the lower Court, had offered to pay some amount.



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6.In reply, the learned counsel for the petitioner would submit that without prejudice, the petitioner is ready and willing to deposit Rs.50,00/- to the credit of Crime No.206 of 2022.

7.Heard. Perused the materials available on record.

8.Taking into consideration the facts and the submissions, this Court is of the opinion that the order passed by the learned Principal Sessions Judge, Dindigul in Crl.M.P.No.108 of 2023, dated 07.01.2023 in condition No.1 is onerous and liable to be set aside. However, taking into consideration the voluntary submission made by the counsel for the petitioner to deposit Rs.50,000/- to the credit of Crime No.206 of 2022, condition No.1, is modified to the effect that “the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) in the Judicial Magistrate Court, Nilakottai to the credit of the case in Crime No.206 of 2022 on the file of the respondent police. All other condition in the said order dated 07.01.2023 shall remain unaltered.



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

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30.01.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 30.01.2023.

To

1. The Principal Sessions Judge, Dindigul

2. The Judicial Magistrate Court, Nilakottai.

3. The Inspector of Police,
Ammayanaikanur Police Station,
Dindigul District.

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



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A.D. JAGADISH CHANDIRA, J.

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