



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Sixth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) No.14549 of 2022

IN

CRL OP(MD) No.16499 of 2019

T.FRANKLIN INBARAJ

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 K. CHINNADURAI

... RESPONDENT/PETITIONER/ACCUSED NO.2

2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TUTICORIN DISTRICT.

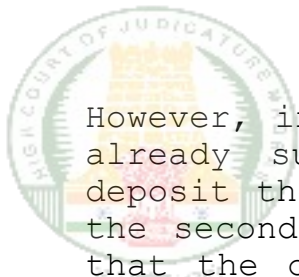
...RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory Bail order dated 13.11.2019 passed in Crl.OP(MD)No.16499 of 2019, on the file of this Honble Court.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.RAJESWARAN K, Advocate for the petitioner and of M/S.A.PRASANNA RAJADURAI, Advocate on behalf of the Respondent No.1 and M/S.THANGA ARAVINDH.B, Government Advocate(Crl.Side) on behalf of the Respondent No.2 the court made the following order:-

Heard the learned Counsel on either side.

2. The accused filed Crl. O.P(MD)Nos.10458 and 10467 of 2019 seeking anticipatory bail. It was dismissed on 04.09.2019. Thereafter the accused filed second petition for anticipatory bail. Since an offer was made that the amount in question will be deposited to the credit of Crime No.11 of 2019, anticipatory bail was granted. The document in question was executed by the first respondent herein in his capacity of power agent of the first accused. The specific allegation of the defacto complainant is that though the sale deed purported to convey a property, no such land actually existed. I am conscious that the Hon'ble Apex Court had repeatedly held that condition to deposit the amount involved should not be imposed while granting bail or anticipatory bail orders.



However, in the case on hand, the petition filed by the accused had already suffered dismissal. Since the accused came forward to deposit the amount, order was granted in his favour, when he filed the second petition. It is now asserted by the defacto complainant that the order to deposit was not at all complied with. In these circumstances, I am left with no other option but to set aside the order dated 13.11.2019 made in Crl. O.P(MD)No.16499 of 2019. Crl. M.P(MD)No.14549 of 2022 stands allowed.

sd/-
06/02/2023

/ TRUE COPY /

/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

BTR

TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TUTICORIN DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.RAJESWARAN K Advocate SR.No.1879(I)

ORDER
IN
CRL MP (MD) No.14549 of 2022
IN
CRL OP (MD) No.16499 of 2019
Date :06/02/2023

NA/VS/SAR-2/22.02.2023/2P/4C