



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

Thursday, the Fifth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.148 of 2023  
IN CRL MP(MD) No.14466 of 2022  
in CRL OP(MD) No.16695 of 2022

S.ITHAYARAJA

... PETITIONER/PETITIONER/PETITIONER/  
5<sup>th</sup> ACCUSED

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE  
ALANGANALLUR POLICE STATION,  
MADURAI DISTRICT  
(CRIME NO.164 OF 2022)

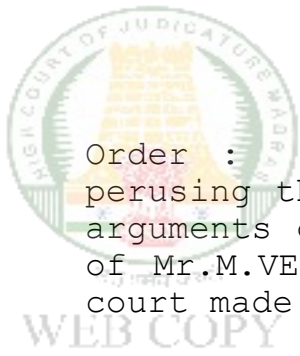
... RESPONDENT/RESPONDENT/  
RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to set aside the order in Crl.MP(MD)No.14466 of 2022 in Crl.OP(MD)No.16695 of 2022 against Cr.No.164 of 2022 based on order in Crl OP(MD)No.20238 of 2022 dated 24.11.2022 and quashing the FIR in Crime No.164 of 2022 on the file of the respondent.

Prayer in CRL MP(MD). 14466/ 2022 :

To modify the certain portion of the condition imposed by Honourable Court in Crl.O.P.No.16695 of 2022 the Para No.8 for the repaid Rs.10,00,000/-(Rupees Ten Lakhs only) before LIC Housing Finance Limited towards the loan amount due by me within a period of three weeks from the date of receipt of a copy of this order.

Para No.9(b) the petitioner shall deposit the remaining amount of Rs.10,00,000/-(Rupees Ten Lakhs only) before LIC Housing Finance Limited towards the loan amount due by him, without prejudice to his rights and contentions within a period of five weeks thereafter, failing which, the anticipatory bail granted to the petitioner shall stand automatically cancelled. And thereafter to complied the CRL OP (MD).16695 of 2022 in Crime No.164 of 2022 on the file of the respondent.



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. MADURAI VEERAN.V, Advocate for the petitioner and of Mr.M.VEERANTHIRAN, Govt. Advocate (CRL Side) for Respondent the court made the following order:-

The learned Counsel for the petitioner would submit that petitioner is arrayed as A5 in Cr.No.164 of 2022 registered for the offence punishable under Sections 120B, 406, 420, 467, 468, 471 and 506(ii) of IPC.

2.The case in Cr.No.164 of 2022 came to be registered based on the direction from the learned Judicial Magistrate, Vadipatti, in Crl.M.P.No.1195 of 2021. The learned Counsel for the petitioner would submit that the fact remains that the learned Judicial Magistrate while issuing direction under Section 156(3) Cr.P.C., had stated that the petitioner cannot be added as an accused. However, without application of mind, the respondent had implicated the petitioner as A5 in this case. The petitioner, who apprehends arrest, had approached this Court in Crl.O.P.(MD)No.16695 of 2022 and this Court while granting anticipatory bail to the petitioner, by order, dated 19.10.2022 had directed the petitioner to deposit an amount of Rs.20,00,000/- to the credit of LIC Housing Finance Limited towards the loan amount due by him. However, later on a petition filed by the petitioner for modification of the condition in Crl.M.P.(MD)No.14466 of 2022 the order of this Court, dated 19.10.2022 was modified to that effect that the petitioner shall deposit a sum of Rs.5,00,000/- before the LIC Housing Finance Limited.

3.Meanwhile, relying on the order passed by the learned Judicial Magistrate, Vadipatti, the petitioner had approached this Court by filing a petition in Crl.O.P.(MD)No.20238 of 2022 seeking for quashing of FIR in respect of the petitioner and this Court by order, dated 24.11.2022 quashed the FIR in respect of the petitioner alone. The learned Counsel for the petitioner would submit that in such circumstances, there is no need or necessity for the petitioner to deposit the amount before the LIC Housing Finance Limited and thereby, the present petition has been filed seeking to set aside the order passed by this Court.

4.The learned Government Advocate (Crl.side) would submit that this Court had quashed the FIR in respect of the petitioner in Crl.O.P(MD)No.20238 of 2022 and he would submit that the petitioner is not an accused in this case.

5.Heard the learned Counsel and taking into consideration the fact that the FIR in respect of the petitioner in Cr.No.164 of 2022 has been quashed, there is no necessity or requirement for the petitioner to deposit the amount. In view of the above, the



CRL MP(MD)

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conditional order passed by this Court in Cr1.M.P.(MD)No. of 2022 in Cr1.O.P.(MD)No.16695 of 2022, dated 25.11.2022 stands set aside.

sd/-

05/01/2023

WEB COPY

/ TRUE COPY /

/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE,  
VADIPATTI, MADURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
MADURAI.

3 THE INSPECTOR OF POLICE  
ALANGANALLUR POLICE STATION, MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.MADURAI VEERAN.V, Advocate ( SR-311[I] dated 06/01/2023 )

ORDER

IN

CRL MP(MD) No.148 of 2023

IN CRL MP(MD) No.14466 of 2022

IN

CRL OP(MD) No.16695 of 2022

Date :05/01/2023

TR/BUC/SAR-IV(20.01.2023) 3P 7C