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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.M.P.No.1828 of 2024
& Crl.M.P.No.2173 of 2024
in Crl.O.P.No.24610 of 2023

Crl.M.P.No.1828 of 2024:

G.Pandimeena

... Petitioner/Defacto Complainant

Vs.

1.G.Srinivasa

2.S.Nalini

3.The State, represented by
The Inspector of Police,
EOW HQRS Police Station,
Chennai.
(Crime No.7 of 2023)

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 439(2) Cr.P.C.
to cancel the anticipatory bail granted 1st and 2nd respondents in
Crl.O.P.No.24610 of 2023 dated 28.11.2023 by this Court.

For Petitioner : Mr.R.Prabakar

For Respondents

For R3 : Mr.R.Vinothraja
Government Advocate (Crl. Side)



Crl.M.P.No.2173 of 2024:

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1.Srinivasa
2.S.Nalini

... Petitioner/Accused 1 & 2

Vs.

The State, represented by
The Inspector of Police,
EOW HQRS Police Station,
Chennai.
(Crime No.7 of 2023)

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C. to modify the condition for deposit of Rs.2,00,000/- and grant sufficient time for executing sureties in Crl.O.P.No.24610 of 2023 on the file of the respondent police.

For Petitioners : Mr.M.Sathish Kumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

COMMON ORDER

This petition has been filed seeking to cancel the anticipatory bail granted to A1 and A2 in Crl.O.P.No.24610 of 2023 by this Court, by order dated 28.11.2023.

2.Among the other conditions imposed, one condition was that A1 and A2 should jointly deposit a sum of Rs.2,00,000/- to the credit of Crime No.7



of 2023, before the Chief Metropolitan Magistrate, Egmore, Chennai, and on such deposit, the Chief Metropolitan Magistrate, may hand over the said amount to the defacto complainant. Sureties have not yet been executed. Complaining that the order had not been complied in letter or in spirit, defacto complainant has now come forward to cancel the anticipatory bail.

3.Heard, the learned counsel for the petitioners and the learned Government Advocate for the respondent.

4.It is represented that investigation is still pending and final has not yet been filed.

5.The learned counsel for A1 and A2 had stated that he had filed CrI.M.P.No.2173 of 2024 seeking to modify the condition of Rs.2,00,000/- and to grant further time to execute the sureties. But however, a perusal of the order granting anticipatory bail shows that even according to the calculations given in the petition seeking anticipatory bail, the total amount comes to more than Rs.3,00,000/-.

6.It must be stated as a background fact that the petitioners were running a chit fund and in the course of that, amounts were payable by them to the defacto complainant. It is incidental that 1st accused is working in Metropolitan Transport Corporation Department. Only after taking into



consideration all those factors, a direction was given to deposit a sum of Rs.2,00,000/-. I am not inclined to modify that particular condition and therefore, petition filed seeking modification in Crl.M.P.No.2173 of 2024 is dismissed. But however, let me grant time to comply with the conditions till on or before 05.04.2024. No further time will be granted, by which date the amount of Rs.2,00,000/- must be deposited.

7.In view of this order passed, anticipatory bail is not cancelled or not interfered by this Court. Accordingly, these Criminal Miscellaneous Petitions are dismissed.

20.03.2024

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C.V.KARTHIKEYAN.J.,

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Crl.M.P.No.1828 of 2024
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