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CrI OP No.22045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.22045 of 2023

1.Dhanalakshmi

2.Kumar

3.Suresh

... Petitioners / Accused No.1,2,3

Vs.

State represented by
The Inspector of Police,
District Crime Branch, Nilgiris,
In Crime No.4 of 2023,
Nilgiris District.

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order and to modify the condition imposed against the petitioners to deposit a sum of Rs.1,50,000/- each in Cr.No.04 of 2023 before the Judicial Magistrate Court, Udthagamandalam with a direction to the petitioners to furnish execution of bail bond by the sureties in lieu of the cash deposit the condition imposed in C.M.P.No.890 of 2023 dated 30.08.2023 passed by the Sessions Judge, the Court of Sessions division of the Nilgiris District at Udthagamandalam.

For Petitioners
For Respondent

: Mr.M.Rajasekar
: A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the condition imposed by the Court below while granting anticipatory bail to the petitioners by directing the petitioners to make a cash deposit.

2. Heard Mr.M.Rajasekar, learned counsel for the petitioners and A.Damodaran, learned Additional Public Prosecutor for the respondent.

3. The petitioners apprehended arrest by the respondent/police for offence under Section 420 of I.P.C. The case of the prosecution is that they had collected amounts from various persons while running a Chit and the same was not repaid.

4. The Court below while granting anticipatory bail by an order dated 16.08.2023, in Crl.M.P.No.852 of 2023 dated 14.08.2023, directed each petitioner to deposit Rs.2,00,000/- as a condition. Thereafter, the petitioners filed a modification petition before the Court below and the Court below modified the condition and directed the petitioners to deposit



Rs.1,50,000/- each. Once again the petitioners filed an application for modification of this condition and the Court below had directed the petitioners to deposit Rs.50,000/- each. The last order that was passed in Crl.M.P.No.890 of 2023 by modifying the condition while directing the petitioners to deposit Rs.50,000/- each has been put to challenge in this petition.

5. In the considered view of this Court, the Court below has exercised its discretion after considering the facts and circumstances of the case and the Court below was lenient in modifying the condition. This Court does not find any legality in the order passed by the Court below and directing the petitioners to deposit a sum of Rs.50,000/- each. In view of the same, this Court is not inclined to interfere with the order passed by the Court below on 25.08.2023.

6. There shall be a direction to the petitioners to deposit the amount of Rs.50,000/- each before the Court below in Crime No.4 of 2023 within a period of four (4) weeks from today. If this condition is not complied with by the petitioners, it is left open to the Court below to



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cancel the anticipatory bail and direct the Police to secure the petitioners and remand them in prison pending investigation.

7. This Criminal Original Petition is disposed of with the above directions.

11.01.2024

Index : Yes / No
Internet : Yes / No
Speaking Order : Yes/No
rka/veda

To

1. The Judicial Magistrate Court, Udhagamandalam
2. The Sessions Judge, the Court of Sessions division of the Nilgiris District at Udhagamandalam.
3. The Inspector of Police,
District Crime Branch, Nilgiris,
In Crime No.4 of 2023,
Nilgiris District.
4. The Public Prosecutor,
Madras High Court.



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N.ANAND VENKATESH, J.,

rka/veda

Crl.O.P.No.22045 of 2023

Dated: 11.01.2024