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Crl.M.P.No.17798 of 2023
in Crl.O.P.No.22354 of 2023

C.V.KARTHIKEYAN, J.

This matter originally came up for consideration on 09.11.2023, at that time, the defacto complainant had appeared as party-in-person. This Court wanted him to get necessary permission from the Registry. The matter was again listed on 14.12.2023 and again on 04.01.2024 and yet again on 09.01.2024 and once again on 22.01.2024 and then is listed today.

2.In one of the hearing dates, it had been informed that permission had not been granted by the Registry and that the defacto complainant had appointed a counsel. Today again there is no representation on behalf of the defacto complainant.

3.This petition has been filed seeking modification of the anticipatory bail condition in Crl.O.P.No.22354 of 2023, wherein, a learned Single Judge had directed that the petitioner shall deposit a sum of Rs.3,00,000/- each to the credit of Crime No.225 of 2023 besides imposing other conditions.



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4.The learned Single Judge of this Court while directing such a condition also had called for explanation from the learned Metropolitan Magistrate For Exclusive Trial of CCB Cases, Egmore, Chennai, as to how he had passed an order in respect of civil dispute.

5.The learned counsel for the petitioner stated that the condition to deposit a sum of Rs.3,00,000/- each may be interfered with and modified and reduced to Rs.1,00,000/- each.

6.However, the learned Government Advocate (Criminal Side) for the respondent, pointed out that the total amount involved is about Rs.4/- Crores. The learned Single Judge while granting the relief to the petitioners had thought it fit to impose the condition to deposit a sum of Rs.3,00,000/- to each one of the petitioners.

7.In this petition, it is stated that the petitioners are wife and daughter of the 1st accused and the 2nd petitioner is studying Homeopathy in Medical College and the 1st petitioner is a home maker. It is stated that they are not able to mobilize the said sum of Rs.3,00,000/- each and they did not have sufficient source of income.



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8.At any rate, it is the obligation of the defacto complainant to tender admissible evidence during the course of trial to assist the prosecution to ensure that the case of the prosecution is established beyond all reasonable doubt. Any condition imposed at the time of granting either bail or anticipatory bail is only to ensure the parties show bonafide by participating in the trial proceedings.

9.In view of these facts and particularly also because the defacto complainant is also not present and the matter had been listed for continuous period of time, the condition is modified to the effect that the petitioners shall deposit a sum of Rs.1,50,000/- each to the credit of Crime No.225 of 2023 on or before 22.02.2024.

02.02.2024

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