



CrI.O.P.(MD)No.402 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.402 of 2024

Vetrivel @ Vetriselvan

... Petitioner

Vs.

The Inspector of Police,
District Crime Branch,
Trichy.
(Crime No.36 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 438(i)(b) r/w 482 of the Code of Criminal Procedure, to modify the condition imposed on the petitioner by the learned Principal District and Sessions Judge, Tiruchirappalli in Cr.M.P.No.6174 of 2023 dated 19.12.2023 insofar as depositing a sum of Rs.2,00,000/- to the credit of the case in crime number.

For Petitioner : Mr.M.Suresh

For Respondent : Mr.SS.Madhavan,
Government Advocate (CrI. Side)



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ORDER

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This Criminal Original Petition has been filed to modify the condition imposed on the petitioner by the learned Principal District and Sessions Judge, Tiruchirappalli in Cr.M.P.No.6174 of 2023 dated 19.12.2023 insofar as depositing a sum of Rs.2,00,000/- to the credit of crime number.

2.The learned counsel appearing for the petitioner would submit that the petitioner is an accused in Cr.No.36 of 2023, which was registered for the offence punishable under Sections 406, 420, 294(b), 506(i) IPC and hence, he filed anticipatory bail petition before the Court below in Cr.M.P.No.6174 of 2023, which was allowed on 19.12.2023 on condition that the petitioner should deposit a sum of Rs.2 Lakhs to the credit of crime number. He would further submit that the dispute between the parties is purely civil in nature and the condition imposed by the Court below is onerous one. Therefore, he prayed to modify the condition.



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3.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner agreed to sell his land and entered into sale agreement with the defacto complainant and also received a sum of Rs.2,00,000/- as advance. Thereafter, the petitioner delayed to execute the sale deed in favour of the defacto complainant and when the defacto complainant asked about the same, the petitioner abused him in filthy language and also threatened with dire consequences. He would further submit that the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.2,00,000/- is reasonable one, which cannot be interfered with. Therefore, he prayed to dismiss this petition.

4.Heard both sides and perused the materials available in the records.

5.Admittedly, the petitioner received a sum of Rs.2,00,000/- as advance for alienating his property in favour of the defacto complainant and thereafter, he failed to do the same and also refused to repay the amount. Therefore, the Court below rightly imposed the condition and this Court finds no ground to modify the same.



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However, this Court is inclined to extend the time limit to comply with the conditions imposed by the Court below. Accordingly, the petitioner shall comply with all the conditions, as imposed by the Court below, within a period of two weeks from the date of receipt of a copy of this order.

10.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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WEB COPY To

- 1.The Principal District and Sessions Judge,
Tiruchirappalli.
- 2.The Inspector of Police,
District Crime Branch,
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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