



Crl.O.P.(MD) No.3742 of 2024

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

DATED: 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.3742 of 2024

1.Suresh @ Suresh Kumar

2.Periasamy

3.Saroja

... Petitioners / Accused No.3 to 5

Vs.

The Inspector of Police,
District Crime Branch,
Tiruchirappalli.
(Crime No.12/2023)

...Respondent / Complainant

PRAYER: Criminal Original Petition is filed under Section 439(1)(b) of Cr.P.C, to set aside the order passed by the learned Principal District and Sessions Judge, Tiruchirappalli in Cr.M.P.No.6283 of 2023 dated 01.12.2023 and modify the condition imposed by the trial Court in Cr.M.P.No.4744 of 2023 dated 16.10.2023 by allowing this Criminal Original Petition.

For petitioner : Mr.S.K.Mani, Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.side)

For Intervenor : Mr.C.Jeya Prakash, Advocate



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ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Tiruchirappalli in Cr.M.P.No.6283 of 2023 dated 01.12.2023 and modify the condition imposed by the trial Court in Cr.M.P.No.4744 of 2023 dated 16.10.2023.

2. The case of the prosecution is that the defacto complainant has purchased the property in dispute from the first accused for a sum of Rs.19,32,000/-. When the defacto complainant went to the place for constructing compound wall, one Ravichandran told that he purchased the land from one Vani Chitra in the year 2018. The accused persons had shown the land in Survey No.141/85, however, sold the land in Survey No.141/59 in favour of the defacto complainant. When the defacto complainant questioned the same, the accused Nos.1 and 2 scolded him in filthy language and threatened him. Hence, the complaint was registered against the petitioners. Thereafter, the petitioners have filed applications seeking anticipatory bail before the learned Principal District and Sessions Judge, Tiruchirappalli, in Cr.M.P.Nos.4123 and 4398 of 2023 and the trial Court, vide order dated 05.09.2023, has granted anticipatory bail to the petitioners on condition that the petitioners shall deposit a sum of Rs.5,00,000/- each to the credit of crime number. Thereafter, they



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have filed modification petitions in Cr.M.P.Nos.4744 and 5022 of 2023 before the trial Court to modify the condition imposed in Cr.M.P.No.4123 of 2023 dated 05.09.2023 and the trial Court has modified the condition to the effect that the petitioners shall deposit a sum of Rs.1,50,000/- each to the credit of crime number. Aggrieved over the same, the petitioners have filed modification petition in Cr.M.P.No.6283 of 2023 to modify the condition imposed in Cr.M.P.No.4744 of 2023 dated 16.10.2023, however, the trial Court dismissed the petition. Challenging the same, the present Petition has been filed.

3. The learned counsel appearing for the petitioners would submit that the petitioners 1 and 2 are doing agricultural work and the third petitioner being a house wife is not having sufficient financial resources. Therefore, they are not in a position to deposit the amount as ordered by the trial Court.

4. The learned counsel appearing for the intervenor submits that the accused persons have cheated the defacto complainant to the tune of Rs.19,32,000/-, however, the trial Court has initially directed the petitioners to deposit a sum of Rs.5,00,000/- each to the credit of crime number and thereafter, it was reduced to Rs.1,50,000/-. Even then, the said amount has not been deposited by the petitioners. Instead, they have filed this petition seeking for modification of the condition imposed on them. Hence, he prays for dismissal of this petition.



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5. It appears that the accused persons have allegedly cheated the defacto complainant to the tune of Rs.19,32,000/-. In this regard, a complaint has been filed by the defacto complainant and the accused persons have filed anticipatory bail applications before the trial Court and the trial Court has also granted anticipatory bail to the petitioners on condition that the petitioners shall deposit a sum of Rs.5,00,000/- each to the credit of crime number, and thereafter, they have filed modification petition before the trial Court in Cr.M.P.Nos.4744 and 5022 of 2023 and the trial Court has also modified the condition to the effect that the petitioners shall deposit a sum of Rs.1,50,000/- each to the credit of crime number, against which, the petitioners have again filed the modification petition in Cr.M.P.No.6283 of 2023 and the same was dismissed by the trial Court. After considering the pecuniary circumstances of the petitioners, the trial Court has modified the condition imposed on them. Even thereafter, the petitioners have not deposited the amount till date. Hence, this Court is not inclined to set aside the order passed by the learned Principal District and Sessions Judge, Tiruchirappalli. However, the petitioners are directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) each to the credit of Crime Number within a period of two weeks from the date of receipt of a copy of this order, failing which, anticipatory bail granted to the petitioners shall stand automatically cancelled.



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6. Accordingly, this Criminal Original Petition is dismissed.

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

- 1.The Principal District and Sessions Judge,
Tiruchirappalli.
- 2.The Judicial Magistrate No.I,
Tiruchirappalli.
- 3.Do through the Chief Judicial Magistrate,
Tiruchirappalli District.
- 4.The Inspector of Police,
District Crime Branch,
Tiruchirappalli.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.C.JEYAPRAKASH, Advocate, SR.No.10675(F), dated 08.03.2024

ORDER
IN
CRL OP(MD) No.3742 of 2024
Date :08/03/2024



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ED/ JGB/SAR- (19/03/2024) 6P / 7C

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