



Crl.O.P.(MD)No.1985 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.1985 of 2024

Manokaran

... Petitioner/Accused

Vs.

The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(In Crime No.493 of 2023).

... Respondent/Complainant

Prayer: The Criminal Original Petition is filed under Sections 439(1)(B) r/w. 482 of Cr.P.C., to direct the respondent to set aside the order dated 18.01.2024 passed in Crl.MP.No.352 of 2024 in Crl.M.P.No.5975 of 2023 on the file of the learned Principal District and Sessions Judge, Madurai in Crime No.493 of 2023 pending investigation on the file of the respondent Police Station, Usilampatti Town, Madurai and to grant extension of time to surrender and produce the sureties before the learned Judicial Magistrate No.1, Usilampatti, Madurai District in connection with the criminal case registered in crime No.493 of 2023 on his file before the concerned Court within the time stipulated by this Court.



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For Petitioner : Mr.Ramachandrapadeep S
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to set aside the order, dated 18.01.2024 passed in Crl.MP.No.352 of 2024 in Crl.M.P.No. 5975 of 2023 on the file of the learned Principal District and Sessions Judge, Madurai in Crime No.493 of 2023 pending investigation on the file of the respondent Police Station, Usilampatti Town, Madurai.

2. Heard the learned counsel for the petitioner, learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials placed on record.

3. The case of the prosecution is that there was an agreement between the petitioner and the defacto complainant regarding supplying uniforms. After supplying the uniforms to the petitioner, he has not paid



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the agreed amount of Rs.13,01,222/- to the defacto complainant. Hence, the defacto complainant made a complaint before the respondent Police. Thereby, the respondent Police registered a case in Crime No.493 of 2023 against the petitioner/accused and others for the offences punishable under Sections 406, 420, 506(i) IPC. Thereafter, the petitioner filed a petition for granting anticipatory bail before the concerned trial Court and the same was allowed in Crl.M.P.No.5975 of 2023, vide order dated 19.12.2023, but he failed to execute the sureties within the time stipulated, because, he was suffered from viral fever. Hence, a petition for extension of time was filed by the petitioner, stating that he was suffered from viral fever, so that he could not execute the sureties within the time stipulated by the concerned trial Court, but without accepting the same, the petition for extension of time was dismissed in Crl.M.P.No. 352 of 2024 in Crl.M.P.No.5975 of 2023, vide order dated 18.01.2024. Challenging the same, the present petition has been filed.

4. The learned counsel for the petitioner would submit that the petitioner was suffered from viral fever and it is a bonafide reason for not



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complying the condition imposed by the concerned trial Court. Hence, he prays to allow this petition.

5. Considering the facts and circumstances of this case, this Court is inclined to set aside the order passed in Crl.MP.No.352 of 2024 in Crl.M.P.No.5975 of 2023, vide order dated 18.01.2024 by the learned Principal District and Sessions Judge, Madurai and time is extended for fifteen days for executing the sureties as per the order in Crl.M.P.No. 5975 of 2023 passed by the concerned trial Court from the date of receipt of copy of this order.

6. Accordingly, this Criminal Original Petition is allowed.

09.02.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes/No

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To:

- 1.The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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