



CRL MP(MD) No.10286 of 2024

WEB COPY

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

Tuesday, the Fifteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL MP(MD) No.10286 of 2024

IN

CRL OP(MD) No.11441 of 2024

A MUTHULAKSHMI

... PETITIONER/PETITIONER/3rd ACCUSED

Vs

1 THE STATE OF TAMILNADU

REP BY THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THENI DISTRICT.

(IN CRIME NO.15 OF 2024)

... 1st RESPONDENT/1st RESPONDENT/
COMPLAINANT

2 RAJARATHINAM S

... 2nd RESPONDENT/2nd RESPONDENT/
DEFACTO COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased too modify the condition No.6(a) imposed by an order dated 16.08.2024 made in CrI.OP (MD) No. 11441 of 2024 in C.R.No.15 of 2024.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.JERIN MATHEW, Advocate for the petitioner and of Mr.A.ALBERT JAMES, Government Advocate(Crl.side) on behalf of the 1st Respondent, the Court made the following order:-



CRL MP(MD) No.10286 of 2024

WEB COPY

This petition has been filed to modify the condition No.6(a) imposed by an order dated 16.08.2024, in Crl.OP(MD)No.11441 of 2024.

2. By the order dated 16.08.2024, anticipatory bail was originally granted on the contention of the learned counsel for the petitioner that to prove her *bona fideness*, she is ready and willing to deposit her original title deeds of value not less than Rs.50,00,000/- was recorded by this Court and the same was included as a condition in paragraph 6(a) of the order. Subsequently, the learned counsel for the petitioner submits that there is a difficulty for the petitioner in this regard and no other person is coming forward to give their property as security. On the other hand, the petitioner has a property at Vadaveeranaickanpatty Revenue Village, Periyakulam Taluk, Theni Sub Registration, Periyakulam Registration District to an extent of 2055 sq.ft along with a house along with vacant site, which is comprised in S.No.1366/3 (as per Sub Division S.No.1366/3A1A). The petitioner has mortgaged the same to the Bank of Baroda only for a sum of Rs.30,00,000/- and she has been duly paying the installments to the said bank. Therefore, she is not in a position to deposit the original title deeds. But however, she will file the copies of the said deeds along with an affidavit willing to create a charge on the said property to the worth of Rs.50,00,000/-.



CRL MP(MD) No.10286 of 2024

WEB COPY

3. On the said submission, the learned counsel appearing on behalf of the defacto complainant was put into notice, and thereafter, the matter is now taken up.

4. The learned counsel appearing on behalf of the defacto complainant would submit that no ground exists to modify. In any event, if there is no other property, then an appropriate order shall be passed by this Court.

5. Considering the difficulty expressed by the learned counsel for the petitioner, I am inclined to allow this application, and the original condition imposed in Clause 6(a) of the order dated 16.08.2024, is modified as follows:-

i) The petitioner shall deposit certified copies of the title deeds in respect of the property being the house and premises in S.No.1366/3 (as per Sub Division S.No.1366/3A1A) at Vadaveeranaickanpatty Revenue Village, Periyakulam Taluk, Theni Sub Registration, Periyakulam Registration District along with an affidavit intending to create a security and charge with reference to the present Crime No.15 of 2024 to the tune of Rs.50,00,000/- to be filed before the trial court.

ii) Time is extended by two weeks from the date of receipt of a copy of this order for furnishing sureties.

iii) A copy of the order shall be marked to the Sub Registrar, Theni to enter the above in appropriate record;



CRL MP(MD) No.10286 of 2024

6. With the above directions, the Criminal Original Miscellaneous Petition is
WEB COPY
allowed.

sd/-
15/10/2024

/ TRUE COPY /

/10/2024

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

DSS

TO

- 1 THE JUDICIAL MAGISTRATE
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE SUB-REGISTRAR,
THENI.

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-12544[I] dated 16/10/2024)



WEB COPY



CRL MP(MD) No.10286 of 2024

ORDER
IN
CRL MP(MD) No.10286 of 2024
IN
CRL OP(MD) No.11441 of 2024
Date :15/10/2024

SS/MMS/SAR- /21/10/2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023