



CrI.O.P.(MD)No.401 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2024

CORAM

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

CrI.O.P.(MD)No.401 of 2024

Amirtharaj @ Amirtharajan

... Petitioner

Vs.

The Inspector of Police,  
City Crime Branch Police Station,  
Thiruchirappalli District.  
(In Crime No.14 of 2023)

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 439(1)(b) r/w 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Principal District and Sessions Judge, Trichy in Cr.M.P.No. 5623 of 2023 dated 04.11.2023 and modify the condition of depositing Rs.6,00,000/- into the account of Cr.No.14 of 2023 on the file of the respondent police, imposed in CrI.M.P.No.5069 of 2023 dated 18.10.2023 by the learned Principal District and Sessions Judge, Trichy by allowing this petition.

For Petitioner : Mr.K.Sivabalan

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



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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, Trichy in Cr.M.P.No.5623 of 2023 dated 04.11.2023 and modify the condition of depositing Rs.6,00,000/- into the account of Cr.No.14 of 2023 on the file of the respondent police, imposed in CrI.M.P.No.5069 of 2023 dated 18.10.2023 by the learned Principal District and Sessions Judge, Trichy.

2.The learned counsel appearing for the petitioner would submit that the petitioner is A3 in Cr.No.14 of 2023, which was registered for the offence punishable under Sections 406, 420, 506(1) IPC and hence, he filed anticipatory bail petition before the Court below in CrI.M.P.No. 5069 of 2023, which was allowed on 18.10.2023 on condition that the petitioner should deposit a sum of Rs.6 Lakhs to the credit of crime number on or before, 01.11.2023. He would further submit that the petitioner herein did not involved in the present case and in the bail order itself, the learned Judge admitted that the petitioner only transferred the



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amount deposited by A1. Hence, directing the petitioner to deposit Rs.6 Lakhs is onerous condition. Therefore, the petitioner preferred a modification petition before the Court below in Cr.M.P.No.5623 of 2023 and the same was dismissed on 04.11.2023. Challenging the same, the present petition came to be filed with the aforesaid prayer.

3.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the defacto complainant mortgaged his property and obtained a sum of Rs.38,00,000/- and the same was credited to the account of A1. A1, without knowledge of the defacto complainant, took Rs.24,61,400/- and hence, the defacto complainant approached A1 and requested him to repay the amount. However, the first accused only returned Rs.9,60,000/- and failed to repay the balance. Hence, the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.6,00,000/- 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.



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5.On perusal of records reveals that the defacto complainant mortgaged his property for a sum of Rs.38, 00,000/- and gave it to the accused persons for the purpose of developing the business. Thereafter, the accused persons took Rs.24,61,400/- and hence, the defacto complainant approached A1 and requested him to repay the amount. However, the first accused only returned Rs.9,60,000/- and failed to repay the balance. After considering all these aspects, the Court below rightly imposed the condition and this Court finds no ground to modify the same.

6.In the result, this criminal original petition is dismissed. However, this Court is inclined to extend the time limit to deposit the amount. Hence, the petitioner shall deposit the amount, as directed 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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To

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



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**M.DHANDAPANI,J.**

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