

Crl.M.P.No.5584 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.06.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.5584 of 2025

in

Crl.O.P.No.32556 of 2024

S.Velmurugan

... Petitioner

Vs

The Inspector of Police,
DCB Police Station,
Cuddalore District.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C., to modify the condition in Para 4 i.e., "the remaining balance of Rs.2,00,000/- shall be deposited to the credit of Cr.No.32 of 2023 within a period of six weeks from the date of release on bail" imposed in Crl.O.P.No.32556 of 2024 dated 07.01.2025.

For Petitioner : K.Gandhi Kumar

For Respondent : Mr.Sugendran
Additional Public Prosecutor

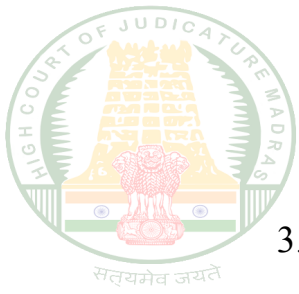


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ORDER

WEB COPY This Criminal Miscellaneous Petition has been filed seeking to modify the condition in Para 4 i.e., the remaining balance of Rs.2,00,000/- shall be deposited to the credit of Cr.No.32 of 2023 within a period of six weeks from the date of release on bail imposed in Crl.O.P.No.32556 of 2024 dated 07.01.2025.

2. The learned counsel appearing for the petitioner would submit that based on the voluntary submissions made by the petitioner, this Court granted bail to the petitioner on a condition to deposit a sum of Rs.2,00,000/- (Rupees Two Lakh Only) to the credit of Cr.No.32 of 2023 at the time of furnishing surety and to pay the remaining balance of Rs.2,00,000/- (Rupees Two Lakh Only) to the credit of Cr.No.32 of 2023, within a period of six (6) weeks from the date of release on bail. Though the petitioner had paid the initial amount of Rs.2,00,000/- (Rupees Two Lakh Only), he was unable to raise the balance funds and thereby, the present application has been filed seeking to modify the condition.

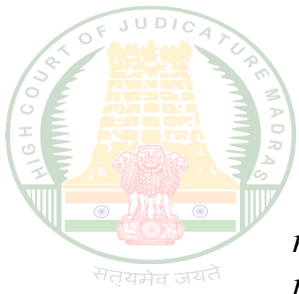


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3. Per contra Mr.Sugendran, learned Additional Public Prosecutor appearing for the respondent would submit that this Court considered the bail application only based on the voluntary submission made by the petitioner to deposit a sum of Rs.4,00,000/- (Rupees Four Lakh Only) to the credit of Cr.No.32 of 2023 and this Court was generous enough to grant him time to pay the amount in two instalments, however the petitioner failed to comply with the conditions imposed by this Court and he would object for modification of condition.

4. The petitioner having paid Rs.2,00,000/- (Rupees Two Lakh Only) and been released on bail, has willfully evaded from paying the remaining balance of Rs.2,00,000/- (Rupees Two Lakh Only). The Hon'ble Supreme Court in the case of **Kundan Singh vs. The Superintendent of CGST and Central Excise**, in Special Leave to Appeal (Crl.) No(s).9111 of 2025 dated 23.06.2025, has deprecated such practice. Relevant portion of the said order is extracted below:-

“10. We strongly deprecate this practice. If the offer for monetary deposit had not been made, at the outset, the High Court may have considered the case on merits and



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may have granted or may not have granted relief to the petitioner. Today the petitioner is approbating and reprobating. We are conscious of his rights under Article 21 of the Constitution of India, but we have to be equally conscious of the sanctity of the judicial process and cannot allow parties to play ducks and drakes with the court. In this scenario, the only conclusion possible is that both, the original bail order of 08.05.2025 and the order of modification dated 14.05.2025 granting final relief, will have to be set aside and the matter be remitted to the High Court for fresh consideration on merits uninfluenced by any of the observations of this Court. ”

5. By way of rejoinder, Mr.K.Gandhi Kumar, learned counsel appearing for the petitioner seeks further seven (7) weeks time to pay the remaining amount of Rs.2,00,000/- (Rupees Two Lakh Only) as imposed by this Court in Crl.O.P.No.32556 of 2024 dated 07.01.2025.

6. Recording the submissions of Mr.K.Gandhi Kumar, learned counsel appearing for the petitioner, this Court directs the petitioner to deposit the remaining amount of Rs.2,00,000/- within a period of two (2) weeks from the date of receipt of a copy of this order. If the amount of Rs.2,00,000/- is not paid within a period of two (2) weeks, the bail order shall stand automatically cancelled.



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WEB COPY7. Accordingly, this Criminal Miscellaneous Petition is ordered. No costs.

26.06.2025

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking Order
rgm

To

1. The Inspector of Police,
DCB Police Station,
Cuddalore District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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