



CRL OP(MD). No.9539 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9539 of 2025

and

CRL MP.(MD).No.7269 of 2025

Karuppasamy,
S/o.Pandian,

... Petitioner/Petitioner

Vs

The State of Tamilnadu
Rep. by the Inspector of Police,
District Crime Branch,
Theni
(Cr.No.23 of 2024).

... Respondent/Complainant

For Petitioner : Mr.M.S.Senthil Kumar
Advocate.

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.Side)

For Intervener : Mr.Antony Rajadurai

PETITION FOR MODIFICATION Under Sec.528 of BNSS.

PRAYER :- To modify the condition (i) imposed on the petitioner by order, dated 05.04.2025, passed in Crl.M.P.No.1025 of 2025 on the file of the Judicial Magistrate, Theni.



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ORDER: The Court Made the following order :-

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This petition has been filed to modify the condition (i) imposed on the petitioner in Crl.M.P.No.1025 of 2025 dated 05.04.2025 on the file of the Judicial Magistrate, Theni.

2. The learned counsel for the petitioner submitted that the learned Judicial Magistrate, Theni had granted bail to the petitioner with a condition to deposit a sum of Rs.20,00,000/- in Crime No.23 of 2024 and the same may be deposited as Fixed Deposit and may be released as per the direction of the superior court. Only because of the said condition the petitioner is unable to release from judicial custody, even after the statutory bail has been granted to him. Considering the pathetic situation of the petitioner, the condition No.(i) imposed by the learned Judicial Magistrate, Theni may be modified. This petitioner is ready and willing to deposit some amount that may be fixed by this Honble Court. He prays for relaxation of the said condition.

3. The learned Government Advocate (Crl.Side) would submit that the complainant running a financial company in the name of Arura Finance and the petitioner who introduced and offered Rs.17,00,000/- as an investment and join as a partner with the complainant's husband. On 15.05.2023, the complainant's husband died in a fatal accident and afterwards this petitioner act was suspicious and the



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investors came and questioned the complainant regarding their interest and other details. Then only she came to know that this petitioner misappropriated huge amount. This petitioner has filed bail petition before the learned Judicial Magistrate, Theni. The learned Judicial Magistrate, Theni had granted bail to the petitioner with a condition to deposit a sum of Rs.20,00,000/- in Crime No.23 of 2024 and the same may be deposited as Fixed Deposit and may be released as per the direction of the superior court. Till now, the petitioner not complied the condition and he is still in judicial custody.

4. The learned Counsel appearing for the intervener would submit that complainant running a financial company in the name of Arura Finance and the petitioner who introduced and offered Rs.17,00,000/- as an investment and join as a partner with the complainant's husband. On 15.05.2023, the complainant's husband died in a fatal accident and afterwards this petitioner act was suspicious and the investors came and questioned the complainant regarding their interest and other details. Then only she came to know that this petitioner misappropriated huge amount. This petitioner was arrested on 26.01.2025 and he is still in judicial custody. This petitioner has filed bail petition before the learned Judicial Magistrate, Theni. The learned Judicial Magistrate, Theni had granted bail to the petitioner with a condition to deposit a sum of Rs.20,00,000/- in Crime No.23 of 2024 and the same



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may be deposited as Fixed Deposit and may be released as per the direction of the superior court. Without complying the conditions of the learned Judicial Magistrate Court, Theni, this petitioner straight away filed this present petition for modification. Hence, he prayed to dismiss the present petition.

5. As per the law laid down by the Hon'ble Supreme Court in Dilip Singh Vs. State of Madhya Pradesh and another (Criminal Appeal No.53 of 2021 arising out of SLP (Crl) No.10484 of 2019 dated 19.01.2021), a Criminal Court, exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as a recovery agent to realise the dues of the complainant, and that too, without any trial.

6. Considering the nature of offence and considering the fact that the condition No.(i) imposed by the Judicial Magistrate, Theni is onerous, therefore, this court is inclined to modify the condition No.(i) imposed by the learned Judicial Magistrate, Theni. Accordingly, the condition No.(i) is modified as "the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.23 of 2024 and the same may be deposited as Fixed Deposit, the entertainment of the said amount will be decided at the time of passing final orders", all other conditions shall remain unaltered.



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7. With the above said modification, this Criminal Original Petition is allowed.

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Consequently, connected miscellaneous petition is closed.

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16/06/2025

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/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn

To :

1 THE JUDICIAL MAGISTRATE,
THENI.

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3.The Inspector of Police,
District Crime Branch,
Theni

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/s.Roy and Associations Advocate SR.No.6377 Dated :17/06/2025



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ORDER
IN

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Date :16/06/2025

HPS/07.07.2025 6P/6C

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