

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2023
(@ SLP (CRL.) NO.2675/2022)**

GANDHIMATHI & ORS.

....APPELLANT(S)

VERSUS

STATE BY INSPECTOR OF POLICE

....RESPONDENT(S)

ORDER

1. Leave granted.

2. The appellants are aggrieved by the order dated 24th January, 2022, passed by the High Court of Judicature at Madras whereby the application seeking anticipatory bail¹ filed for offences punishable under Sections 120-B, 420, 294(b) and 506(1) of the Indian Penal Code² was allowed. While allowing the said petition, the submission made by the counsel appearing for the appellants was recorded to the effect that the appellants who are the wife and sons of accused No.1, were ready and willing to deposit a sum of ₹3,00,000/- (Rupees three lakhs only) to the credit of Crime No.4 of 2022 without prejudice to their rights.

3. Noting the said submission, each of the appellants were directed to deposit a sum of ₹1,00,000/- (Rupees one lakh only) to the credit of Crime No.4 of 2022 within a fixed timeline and it was further directed that on such deposit being made by the appellants, the amount deposited be released in favour of the complainant on an undertaking to be furnished by the complainant that the said amount shall be restituted if the appellants succeed in the case.

1 Crime No.4 of 2022

2 For short 'the IPC'

4. After taking advantage of the order of granting them anticipatory bail, the appellants have approached this Court stating *inter alia* that the condition of pre- deposit of any amount is onerous and ought not to have been imposed by the High Court.

5. We may note that it was not the High Court that has imposed such a condition. Rather, the appellants had volunteered to deposit an amount offered by them which was only taken note of by the High Court while passing the impugned order.

6. The net result of filing the present appeal is that the appellants have been enjoying the protection of an anticipatory bail order for the past one and a half years without abiding by their voluntary undertaking given to the High Court. Ideally, having regard to the pleas taken by the learned counsel for the appellants, the impugned order ought to be recalled and the matter remanded back to the High Court for a fresh consideration.

7. However, learned counsel for the appellants submits at this stage that the appellants are still ready and willing to deposit the amount offered as long as the same remains deposited in Crime No.4 of 2022 and is not released to the complainant. A feeble submission is also made by learned counsel for the appellants to the effect that the advocate appearing for the appellants before the High Court, was not given any instructions for depositing the amount as was offered. He concedes that no application for seeking review of the order was moved before the High Court.

8. Dr. Joseph Aristotle, learned counsel appearing for the respondent-State submits that after the investigation was complete, charge-sheet has been filed in the instant case on 24th May, 2022 and the trial had commenced on 31st October, 2022.

9. In view of the submissions made hereinabove, this Court is refrained from passing

adverse orders against the appellants.

10. Having regard to the fact that the chargesheet has already been filed, the order passed by the High Court is affirmed while modifying para 6 (a) thereof, to the extent that the appellants shall deposit the amount as volunteered by them to the credit of Crime No.4 of 2022 within two weeks from today and the said amount shall be retained by the Court in the form of a Fixed Deposit Receipt till appropriate orders are passed for releasing the same at the end of the trial.

11. The appeal is disposed of.

.....J.
(HIMA KOHLI)

.....J.
(RAJESH BINDAL)

NEW DELHI
24th AUGUST, 2023

ITEM NO.8

COURT NO.11

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 2675/2022

(Arising out of impugned final judgment and order dated 24-01-2022 in CRLOP No. 1011/2022 passed by the High Court Of Judicature At Madras)

GANDHIMATHI & ORS.

Petitioner(s)

VERSUS

STATE BY INSPECTOR OF POLICE

Respondent(s)

(IA No. 41676/2022 - EXEMPTION FROM FILING O.T.)

Date : 24-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. B Karunakaran, Adv.
Mrs. K Balambihai, Adv.
Mr. P Shankar, Adv.
Mr. Ajith Williyam S, Adv.
Mr. Ajay Parbu S, Adv.
Mr. S. Gowthaman, AOR

For Respondent(s) Dr. Joseph Aristotle S., AOR
Ms. Vaidehi Rastogi, Adv.
Ms. Shubhi Bhardwaj, Adv.

UPON hearing the counsel the court made the following
O R D E R

1. Application seeking exemption from filing official translation is allowed.
2. Leave granted.
3. The appeal is disposed of in terms of the signed order.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Nand Kishor)
Court Master (NSH)

(Signed Order is placed on the file)