



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD)No.19590 of 2015

K.Sundaravel

: Petitioner/Accused

Vs.

State through
The Inspector of Police,
Economic Offences Wing
Tirunelveli
In Crime No.01/15

: Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 (1)(b) of the Code of Criminal Procedure praying to modify the condition that the petitioner/accused is released on bail on his depositing Rs.5 lakhs and with two sureties to deposit Rs.25,000/- each and to execute bond for the same amount imposed in Crl.M.P.No.1827 of 2015 dated 09.09.2015 on the file of the learned Special Judge for TANPID Act Cases, Madurai and pass such further other orders as this Court may deem fit and proper under the circumstances of the case.

For Petitioner : Mr.A.John Stephen

For Respondent : Mrs.S.Prabha
Government Advocate (Crl. Side)

O R D E R

This application is filed seeking modification of the condition imposed in Cr.M.P.No.1827 of 2015 dated 09.09.2015 by the Special Judge for TANPID Act cases, Madurai.

2.The learned Special Judge, while granting bail to the petitioner under Section 167(2) Cr.P.C, imposed a condition to deposit Rs.5 lakhs to the credit of Crime number by order dated 09.09.2015.

3. The learned counsel for the petitioner submitted that the condition imposed by the Special Court is onerous and due to inability to comply with the condition, the petitioner could not come out on bail. It is further submitted that the petitioner's immovable properties worth about Rs.2 crores were already attached by the respondent under the Provisions of the Tamilnadu Protection of Interest of Depositors Act. The learned counsel for the petitioner relied upon the judgment reported in **(2005)10 SCC 464 (U.Palaniappan and Another Vs. Sub-Inspector of Police)** in support of his contentions.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Per contra, the learned Government Advocate(Crl.side) submitted that considering the gravity of the offence, the learned Special Judge directed the petitioner to deposit Rs.5 lakhs which cannot be said to be onerous condition.



5. The Hon'ble Supreme Court has held in **U.Palaniappan and Another Vs. Sub-Inspector of Police (2005) 10 SCC 464** that: On the facts and circumstances of this case, the condition imposed by the High Court while granting anticipatory bail that the first appellant should deposit Rs.10 lakhs and the second appellant should deposit Rs.5 lakhs before getting the benefit of anticipatory bail in our opinion is onerous. Hence, in modification of the said order while affirming the grant of anticipatory bail, we direct the appellants to furnish a self-bond on Rs.50,000/- each and one surety for the like sum to the satisfaction of the Court or the arresting authority as the case may be".

6. The same view was followed by this Court in the order passed in CrI.O.P.No.17080 of 2013 dated 30.10.2013.

7. In the light of the decisions referred aboe, the condition imposed by the learned Special Judge for TNPID Act Cases, Madurai, directing the petitioner to deposit Rs.5 lakhs, is deleted and the other conditions shall stand unaltered and the petitioner shall comply with the other conditions.

8. This Criminal Original Petition is ordered accordingly.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Special Judge, TANPID Act cases, Madurai.
2. The Inspector of Police, Economic Offences Wing
Tirunelveli
- 3 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S. A.John Stephen, Advocate in SR.No.60212

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CrI.O.P. (MD) No.19590 of 2015

12.10.2015