



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.12.2015

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl.O.P(MD)No.22806 of 2015

Benzi Raj

... Petitioner/Accused No.5

Vs.

State through
The Inspector of Police,
EOW Nagercoil Police Station,
Kanyakumari District.
In Cr.No.1 of 2015

... Respondent/Complainant

Criminal Original Petition has been filed under Section 439(1) (b) of Cr.P.C to modify the condition that the petitioner/accused is released on bail on his depositing Rs.2 lakhs and with two sureties to deposit Rs.25,000/- each to execute bond for the same amount imposed in Crl.M.P.No.2341 of 2015 on the file of the learned special Judge for TANPID Act Cases, Madurai.

For Petitioner : Mr.A.John Stephen

For Respondent : Mr.K.Anbarasan

ORDER

This Criminal Original Petition has been filed by the petitioner to modify the condition imposed in Crl.M.P.No.2341 of 2015 by the learned Special Judge for TANPID Act Cases, Madurai, wherein he was directed to deposit Rs.2,00,000/- as a condition for being enlarged on bail.

2. The learned counsel for the petitioner relied on the order, dated 12.10.2015 passed in Crl.O.P(MD)no.19590 of 2015 and submitted that the condition imposed on the petitioner is onerous and is liable to be set aside.

3. The learned Government Advocate(Crl. Side) submitted that the petitioner and others are charged for the offence under Sections 406, 420 r/w 120(b) of I.P.C and Section 5 of TANPID Act. The petitioner and other accused received deposit from the public and cheated to the tune of Rs.4,25,00,000/-. He further submitted that the other accused are absconding and the condition imposed is not onerous and hence, he prayed for dismissal of this petition.

4. The order relied on by the petitioner in Crl.O.P(MD)No.19590 of 2015, dated 12.10.2015, is not applicable to the facts of the present case as in that case property of the accused were already attached by the respondent police. Further, considering the fact that the petitioner



along with other accused cheated a huge sum of money, I am not inclined to modify the condition imposed in CrI.M.P.No.2341 of 2015 by the learned Special Judge for TANPID Act Cases, Madurai. Hence, this Criminal Original Petition is dismissed.

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/True Copy/

Sd/-

Assistant Registrar (T&P)

Sub Assistant Registrar

pm

To

1.The Special Judge for TANPID Act Cases,
Madurai.

2.The Inspector of Police,
EOW Nagercoil Police Station,
Kanyakumari District.

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

+1CC to Mr.A.John Stephen Advocate Sr.No.70238

GJM/AAL/MPA/15.12.2015-2P-5C

CrI.O.P (MD) No.22806 of 2015
07.12.2015