

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. Revision Case No.616 of 2017

Ramarathinam

... Petitioner

Vs.

State: through Inspector of Police,
EOW- unit II, Coimbatore
In Cr.No:7/2016

... Respondent

Prayer: Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure praying to set aside the condition imposed on the petitioner while granting bail by the Special Court for cases under TNPID Act, Coimbatore in Crl.M.P.No.741 of 2017 dated 07.03.2017 in connection with Crime No.7 of 2016 on the file of the respondent police and to set aside the condition to deposit the amount of Rs.10,00,000/- to the credit of Crime No.7 of 2016 before the Special Court for cases under TNPID Act Coimbatore and the condition to produce the two sureties must be blood relatives of the petitioner.

For Petitioner : M/s.N.Ananthapadmanaban

For Respondent : Mr.R.Ravichandran
Government Advocate(Crl.Side)

ORDER

The petitioner is A6, and he was charged for the offences under Sections 120-B, 406, 420 IPC and Section 5 of TNPID Act in Crime No.7 of 2016 on the file of the respondent police. The petitioner was arrested on 03.01.2017 and thereafter, he moved a bail application under Section 167(2) Cr.P.C., before the Special Court under TNPID Act Cases, Coimbatore and the petitioner was enlarged on bail by the learned Special Judge, by an order dated 07.03.2017, on certain conditions, and one of such condition is that the petitioner shall deposit a cash security of Rs.10 lakhs into the Court with two sureties each for a like sum and those two sureties must be blood relatives of the petitioner. Now, challenging the above condition, the present revision has been filed.

2. Mr.N.Ananthapadmanaban, learned counsel appearing for the petitioner submits that the petitioner is an innocent Director of the A1 company and entire amount has been collected by A5 and he has no role in collecting the deposits and he is not in a position to deposit Rs.10 lakhs cash surety as directed by the Court below. Hence, he sought for modification of the above condition.

3. Per contra, Mr. R.Ravichandran, learned Government Advocate (Crl. side) appearing for the respondent submits that thousands of depositors have been cheated by the petitioner's company and the petitioner is also one of the Directors of the company from the year 2013. Now, he cannot be considered to be innocent, as he was also involved in the collection of deposits.

4. I have considered the rival submissions and perused the materials available on record.

5. Considering the fact that the petitioner had become a Director from the year 2013, and the deposits were collected from the year 2009, and he is also expressing his inability to deposit cash security of Rs.10 lakhs as directed by the Court below, I am inclined to modify the condition.

6. Accordingly, the Criminal Revision is partly allowed and the condition imposed by the Court below is modified to the effect that the petitioner should deposit cash security of Rs.2 lakhs and also to furnish the immovable property security for Rs.5 lakhs, and executing a bond with two sureties for Rs.3 lakhs each, and the said two sureties must be close relatives of the petitioner instead of blood relatives.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The Special Judge,
Special Court under TNPID Act Cases,
Coimbatore.

2.The Inspector of Police,
EOW - Unit II,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Ananthapadmanaban, Advocate, S.R.No.25163

Crl. R.C.No.616 of 2017

NM(CO)
CA(27/04/2017)



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