

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No. 22850 of 2017

M.Palanisamy

..Petitioner/Accused 7

Vs.

The State of Tamil Nadu
represented by
The Deputy Superintendent of Police,
The Economic Offences Wing -II,
Coimbatore.
(Crime No. 3 of 2015)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed by the learned Special Judge under the Protection of Interest of Depositors (In Financial Establishments) Act, 1997, Coimbatore by an order dated 03.10.2017 made in CrI.MP. No.2783 of 2017.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor

O R D E R

The prayer in the present petition is to modify the conditions imposed by the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore by an order dated 03.10.2017 made in CrI.MP. No.2783 of 2017.

2. Heard Mr.M.R.Thangavel, learned counsel for the petitioner as well as Mr.P.Govindarajan, learned Additional Public Prosecutor for the respondent.

3. This Court had an occasion to deal with the validity of onerous conditions being passed while granting orders of bail or anticipatory bail or release of vehicles in Thiruvasagam Vs. State rep. by the Inspector of Police, B1, North Beach Police Station, Chennai-600 001 in CrI.O.P.No.20483 of 2017 dated 05.10.2017. By relying on various judgments of the Hon'ble Supreme Court as well as this Court, it was held therein that the Courts are not empowered to impose onerous conditions. Following the rationale laid down in the various orders of the Hon'ble Supreme Court, the onerous condition came to be modified in the said order.

4. I am of the view that the present condition imposed by the trial Court is a similar onerous condition and in view of the stand taken in the aforesaid order, the present petition seeking for modification also requires consideration.

5. In the result, the Criminal Original Petition stands allowed. Consequently, the condition imposed on the petitioner in CrI.M.P.No.2783 of 2017 by its order dated 03.10.2017 directing the petitioner to deposit a sum of Rs.5,00,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.5,00,000/- instead of depositing a sum of Rs.5,00,000/-.

All other conditions imposed in the order dated 03.10.2017 in CrI.M.P.No.2783 of 2017 shall remain intact.

Sd/-

Assistant Registrar(CCC)

//True Copy//

ak/aav

To

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

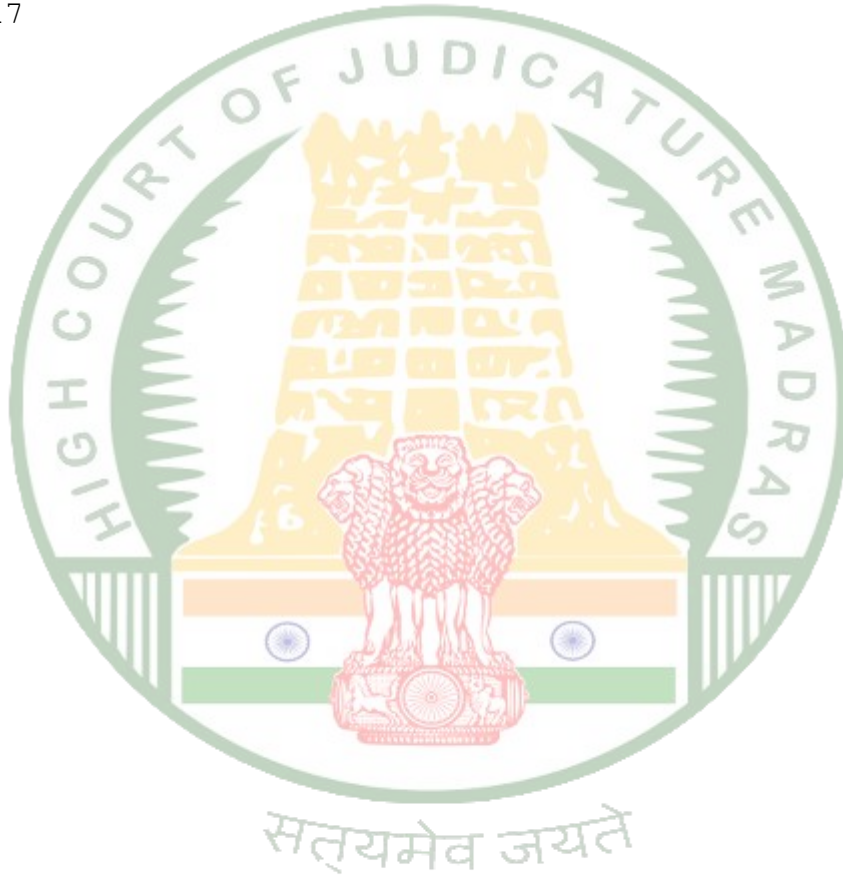
2. The Deputy Superintendent of Police,
The Economic Offences Wing -II,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Anbu, Advocate, S.R.No.76293

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CS/31/10/17



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