

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 28014 of 2017

S.P.Kalaimani

..Petitioner/6th Accused

Vs.

State rep. by
The Deputy Superintendent of Police,
The Economic Offences Wing-II,
Coimbatore.

..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 29.11.2017 made in Crl.MP.No. 3519 of 2017.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.V.Arul
Additional Public Prosecutor

ORDER

The petitioner, who had been arrayed as 6th accused in Crime No.3 of 2015 was granted bail on pre-condition to deposit a sum of Rs.2,00,000/- by the learned Special Judge under the Protection of Interest of Depositors (In Financial Establishments) Act, 1997,

Coimbatore on 29.11.2017. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.M.R.Thangavel, learned counsel appearing for the petitioner and Mr.V.Arul, learned Additional Public Prosecutor appearing 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 Crl.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.

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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 Crl.M.P.No.3519 of 2017 by its order dated 29.11.2017 directing the petitioner to deposit a sum of Rs.2,00,000/- as cash security within 3 weeks i.e. on or before 19.12.2017 shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.2,00,000/- instead of depositing a sum of Rs.2,00,000/-.

Accordingly, the petitioner is granted further period of one week from the date of receipt of a copy of this order to furnish sureties before the concerned Magistrate. All other conditions imposed in the order dated 29.11.2017 in Crl.M.P.No.3519 of 2017 shall remain intact.

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Index : Yes/No
Internet : Yes/No
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Note : Issue order copy on 19.12.2017

M.S.RAMESH. J.,

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To

1. The Special Judge
under the Protection of Interest of Depositors
(In Financial Establishments) Act, 1997, Coimbatore
2. The Deputy Superintendent of Police,
The Economic Offences Wing-II,
Coimbatore.
3. The Public Prosecutor
High Court, Madras.



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