

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.27174 of 2016

A.G.Kumar

... Petitioner

Vs

The State, rep by
The Inspector of Police,
Economic Offence Wing-II,
Coimbatore District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the three conditions No.(i) (ii) (iii) imposed in C.M.P.No.3334 of 2016 dated 9.12.2016 by the Special Judge, Special Court under TNPID Act Cases, Coimbatore, so as enable to complying the first three condition before the court concerned thereon that is directing the court concerned not insist and pressure the petitioner execute a bond for Rs.5 lakhs and shall deposit for a sum of Rs.5,00,000/- (Five Lakh) into the court with two sureties and the sureties must be close relatives of the petitioner/accused and further the sureties deposit their Tile deeds as a security for like sum into the court in connection with Crime No.4 of 2014 on the file of the respondent.

For Petitioner : Mr.P.Kalimuthu

For respondent : Mr.C.Emalias,

Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed to modify the conditions imposed on the petitioner in Cr.M.P.No.3334 of 2016 dated 9.12.2016 by the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore,

2. It is the case of the petitioner that he filed a petition before the learned Special Judge, Special Court under

TNPID Act Cases, Coimbatore, in Cr.M.P.No.3334 of 2016 seeking bail and the learned Judge, by order dated 9.12.2016, granted bail to the petitioner on the following conditions:-

(i) The petitioner should execute a bond for Rs.5 lakhs and shall deposit Rs.5 lakhs into the Court with two sureties for a like sum;

(ii) The sureties must be close relatives of the petitioner / accused;

(iii) Further, the sureties shall deposit their title deed as a security for a like sum into the Court;

(iv) Apart from that, the petitioner shall report before the EOW-II Police, Coimbatore, daily twice at 10.30 a.m., and 5.00 p.m. Until further orders;

(v) The petitioner should not tamper the witnesses and shall cooperate with the investigation.

Since the petitioner and his parents are not having any immovable property, he is not in a position to comply with the said conditions imposed by the learned Judge and in view of the same, he is not in a position to avail the benefit of the said order. Hence, seeking modification of the said order, the petitioner has come up with the present petition.

3. Learned Additional Public Prosecutor has no serious objection to modify the conditions imposed on the petitioner.

4. Considering the facts and circumstances of the case, this Court is inclined to modify the conditions imposed on the petitioner.

5. Accordingly, the condition No.(i) imposed on the petitioner in Cr.M.P.No.3334 of 2016 dated 9.12.2016 by the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore viz., "(i) The petitioner should execute a bond for Rs.5 lakhs and shall deposit Rs.5 lakhs into the Court with two sureties for a like sum" is hereby modified as follows:-

" (i) The petitioner should execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum and shall also deposit a sum of Rs.1,00,000/- (Rupees only lakh only) into the Court;"

Further, the condition No.(iii) viz., "(iii) Further, the

sureties shall deposit their title deed as a security for a like sum into the Court" is hereby deleted. The other conditions shall remain unaltered. The criminal original petition is ordered accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Special Judge,
Special Court under TNPID Act Cases,
Coimbatore.
 - 2.The Inspector of Police,
Economic Offence Wing-II,
Coimbatore District.
 - 3.The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr. P. Kalimuthu, Advocate Sr.No.291 (05/01/2017)

SSK(CO)
MD(04/01/2017)

Crl.O.P.No.27174 of 2016

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