



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Third day of April Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP (MD) No.2633 of 2017

IN

CRL OP (MD) No.2649 of 2017

S.JOTHIMANI

... PETITIONER/ PETITIONER/ACCUSED NO.5

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

E.O.W.-II, VIRUDHUNAGAR,

CRIME NO.2 OF 2016

... RESPONDENT/ RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the order passed in Crl.O.P.NO.2649 of 2017 dated 14/03/2017 on the file of this Honourable court in respect of deposit of the immovable property of the petitioner and pass such further or other orders may deem fit and proper in the circumstances of the case and thus render justice.

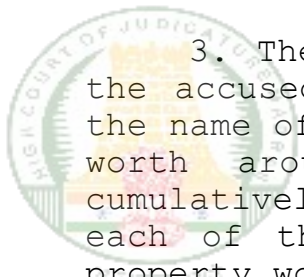
Prayer in CRL OP (MD) . 2649/ 2017 :

To modify the order passed in Crl.M.P.No.661/2017 in Crime No.2/2016 dated 23/02/2017 by the Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act 1997, Madurai as regular surety instead of to Deposit a sum of Rs.2 lakhs in the credit of the case by the petitioner

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.J.CHAKKARAVARTHY, Advocate for the petitioner and of Mr.K.V.RAJARAJAN, Government Advocate(crl.side) on behalf of the Respondents the court made the following order:-

The petition is filed for modification of the order passed in Crl.O.P. (MD).No.2649 of 2017, dated 14.03.2017.

2. The learned counsel for the petitioner states that as per the order passed by this Court, property worth Rs.7 lakhs which stands in the name of Subramaniam and property worth Rs.72,150/- which stands in the name of Jothimani was submitted as surety. The trial Court has accepted the document of Subramaniam, whereas returned the surety memo filed by Jothimani, on the ground that valuation of the property is not sufficient.



3. The learned counsel for the petitioner further states that the accused are husband and wife and the property which stands in the name of husband and in the name of wife and both put together is worth around Rs.7,72,150/- and therefore, both the property cumulatively satisfy the bail condition which is to the effect that each of the petitioner should deposit document of any immovable property worth not less than Rs.2,00,000/-.

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4. This Court finds justification in the submission made by the learned counsel for the petitioner, since the petitioners are husband and wife, the property of Mr.Subramaniam worth Rs.7 lakhs as well as the property of Jothimani worth Rs.72,150/- may be taken together for the satisfaction of the bail condition.

5. The learned counsel for the petitioner submits that the property document of Mr.Subramaniam, husband of the petitioner is already been deposited in the Court as Document No.1601/2010 dated 03.06.1998 registered at Sub Registrar Office Arupukottai, Virudhunagar District. This document along with the property document of the petitioner can be cumulative taken into account for the satisfaction of the bail petition.

6. The Modification Petition is ordered accordingly.

sd/-
03/04/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.SPECIAL JUDGE UNDER THE TAMIL NADU
PROTECTION OF INTEREST OF DEPOSITORS
(IN FINANCIAL ESTABLISHMENT) ACT 1997,MADURAI

2.THE INSPECTOR OF POLICE
E.O.W.-II, VIRUDHUNAGAR.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.J.CHAKKARAVARTHY Advocate SR.No.18748

ORDER IN
CRL MP (MD) No.2633 of 2017
IN
CRL OP (MD) No.2649 of 2017
Date :03/04/2017