



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Seventeenth day of July Two Thousand and Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

WEB COPY

CRL OP(MD) No.8829 of 2017

RGR @ GOPINATH, S/O. RAMASAMY,
CENTRAL PRISON, MADURAI

... PETITIONER

Vs

THE STATE, REP . BY
INSPECTOR OF POLICE, EOW-II POLICE STATION, KARUR,
KARUR DISTRICT, CRIME NO.19/2013

... RESPONDENT

Prayer in CRL OP(MD). 8829/ 2017 :

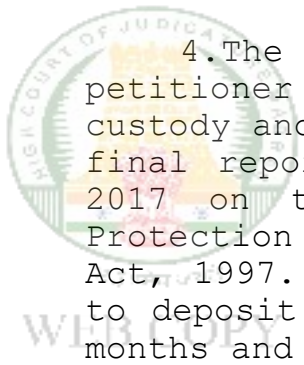
Petition filed under Section 439(i)(b) of Criminal Procedure to modify the condition imposed in Cr.M.P.No.3093(A)2016 in Crime No.19/2013 order dated on 20/12/2016 on the file of the Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment Act, 1997) Madurai, insofar as fixing the condition to deposit of Rs.10,00,000/- in the credit of the case in Crime No.19/2013 in the fact and circumstances of the case .

ORDER :This Petition coming on for hearing on this day, upon perusing the petition and affidavit, and material papers of the petition, and upon hearing the arguments of Mr.F.DEEPAK, Advocate for the petitioner, and of Mr.A.RAMAR, Additional Public Prosecutor, on behalf of state, this Court Made the following order :-

This petition has been filed praying to modify the condition imposed on the petitioner to deposit 10,00,000/- as a pre-condition for granting bail.

2.The petitioner is an accused in Crime No.39 of 2013 for the offence punishable under Sections 406, 420, 506(ii) 120(b) and 294 (b) IPC and also under Section 5 of Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, on the file of the respondent police and he was arrested and remanded to custody on 26.08.2016. Thereafter, he filed a bail application invoking statutory provision under Section 167(2) Cr.P.C. The trial Court, by the order dated 20.12.2016, granted bail to the petitioner with a condition to deposit 10,00,000/- and in order to modify the said condition, the present petition has been filed.

3.Heard Mr.F.Deepak, learned counsel for the petitioner and Mr.A.Ramar, learned Additional Public Prosecutor for the respondent.



4.The learned counsel for the petitioner submitted that the petitioner was arrested on 26.08.2016 and nearly 11 months he is in custody and now the respondent has completed investigation and filed final report and the case has been taken on file in C.C.No.15 of 2017 on the file of the Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997. It is further submitted that the petitioner is not able to deposit the said amount, since he is in judicial custody for 11 months and he has also become bankrupt.

5.The learned Additional Public Prosecutor submitted that the petitioner is running a financial institution and collected more than 23,00,000/- from various depositors and failed to repay the amount. Apart from that, he does not have any property for attachment so as to return the money to the depositors. In the above circumstances, the Court below has imposed the condition to deposit Rs.10,00,000/- and if the said condition is relaxed, the depositors could not get back the deposited amount.

6.I have considered the rival submissions made on either side and perused the records carefully.

7.The petitioner was arrested on 26.08.2016 and bail was granted under the mandatory provision of Section 167(2) Cr.P.C.

8.Considering the fact that investigation was already over and final report was filed and the matter was taken on file in C.C.No.15 of 2017 and also considering that the petitioner is in custody nearly for 11 months, the condition imposed on the petitioner to deposit Rs.10,00,000/- is alone set aside and no modification in respect of the other conditions imposed on the petitioner.

9.This petition is allowed with the above terms.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

TO

1 THE INSPECTOR OF POLICE, EOW-II POLICE STATION,
KARUR, KARUR DISTRICT.

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

MAS/JC/SAR1:26.07.2017:2P-3C

ORDER DATE :17/07/2017
MODIFICATION
CRL OP(MD) No.8829 of 2017