

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.17161 of 2018

N.Senthil Kumar

... Petitioner

Vs

State by its

The Inspector of Police

CCIW, ICD, Erode.

...Respondent

Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to modify and delete the condition No.1, the petitioner shall deposit a sum of Rs.2,75,00,000/- (Rupees Two Crores Seventy Lakhs Only) in Crime No.1 of 2018 in C.M.P.No.2054 of 2018 order dated 19.06.2018 on the file of the Judicial Magistrate Court No.IV, Coimbatore.

For Petitioner : Mr.G.Mohanakrishnan

For Respondent : Mr.C.Raghavan

Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to modify the order dated 19.06.2018 passed by the Judicial Magistrate No.IV, Coimbatore in C.M.P.No.2054 of 2018.

2. The petitioner was arrested and remanded to judicial custody on 19.04.2018 in Crime No.1 of 2018 for the offence under Section 408 IPC. Since the investigation was not completed and the charge sheet has been filed within 60 days, the petitioner filed CMP.No.2054 of 2018 in Crime No.1 of 2018 under Section 167(2) Cr.P.C. for bail. The Judicial Magistrate No.IV, Coimbatore, has granted compulsory bail on 19.06.2018 in C.M.P.No.2054 of 2018, on certain conditions, one of which is that the petitioner should deposit a sum of Rs.2,75,00,000/- (Rupees Two Crores and Seventy Five Lakhs Only). Challenging the said condition, the petitioner is before this Court.

3. Heard G.Mohanakrishnan, learned counsel for the petitioner/accused and the learned Government Advocate (Crl. Side) for the respondent.

4. Today, Mrs.S.Kaleeswari, Inspector of Police, CCIW, CID, Erode, is present before this Court.

5. The learned counsel for the petitioner/accused submitted that the condition imposed by the trial Court is onerous and that the said condition should not be imposed, especially, in the case of default bail.

6. Per contra, the learned Government Advocate (Crl. Side) submitted that the petitioner was a member of the Chennimalai Power loom Weavers Co-operative Production and Sale Society Ltd., Erode District and has swindled Rs.5,32,19,693.80 and therefore, the condition imposed by the trial Court cannot be said to be onerous in the facts and circumstance of this case.

7. This Court gave its anxious consideration to the rival submissions.

8. The fact remains that the petitioner is in incarceration from 19.04.2018 and the investigation has not been completed. Hence, the petitioner will be entitled to statutory bail under Section 167(2) Cr.P.C. It is true that the condition imposed by the trial Court is indeed onerous. However, in a case of this nature, where misappropriation runs to more than Rs.2 crores, one cannot say that the trial Court cannot pass a conditional order.

9. The learned counsel for the petitioner/accused submitted that all the properties of the petitioner have been attached by the Deputy Registrar of the Co-operative Society under the Tamil Nadu Co-operative Societies Act.

10. Taking into consideration the facts and circumstances of the case, this Court is of the view that the interest of justice will be served, if the sum of Rs.2,75,00,000/- (Rupees Two Crores and Seventy Five Lakhs Only) is reduced to Rs.10 Lakhs. Accordingly, this Court modifies the sum of Rs.2,75,00,000/- Rupees Two Crores and Seventy Five Lakh Only) to Rs.10 Lakhs (Rupees Ten Lakh Only). On such deposit, the same shall be re-deposited in any of the nationalized bank. Rest of the conditions imposed by the trial Court shall remain the same.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.IV,
Coimbatore.

2.The Inspector of Police
CCIW, ICD, Erode.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.G.Mohanakrishnan,Advocate,S.R.No.44269,44497

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BM 10/07/2018



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