

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.07.2018
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Crl.OP.No.17961 of 2018

P.Narayanasamy

... Petitioner

Vs

State rep. by
The Deputy Superintendent of Police
EOW-II
Chennai.

...Respondent

Criminal Original Petition has been filed under Section 482 Cr.P.C. to modify the condition imposed in Crl.MP.No.950 of 2018 on the file of the Special Court under TNPID Act, Chennai that the petitioner should deposit a sum of Rs.2,00,000/-.

For Petitioner : Mr.A.Sathishkumar
For Respondent : Mrs.Kritika Kamal.P.
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to modify the condition dated 10.07.2018 imposed on the petitioner in Crl.MP.No.950 of 2018 in C.C.No.7 of 2015 on the file of the Special Court under TNPID Act, Chennai.

2. Today, Mrs.K.Chithra, Inspector of Police, EOW-II, Chennai, is present before this Court.

3. The petitioner was shown as absconding accused in C.C.No.7 of 2015 in EOW.II Crime No.1 of 2011, pending on the file of the Special Court under TNPID Act, Chennai. Non-bailable warrant was issued by the Special Court and the petitioner was arrested on 22.06.2018 and remanded to judicial custody under Section 309 Cr.P.C. The petitioner filed Crl.MP.No.950 of 2018 in C.C.No.7 of 2015 seeking bail, in which the trial Court was pleased to grant bail on 10.07.2018 on certain conditions, one of which is that, the petitioner should deposit a sum of Rs.2,00,000/- to the credit of the case. For modifying the said condition, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent-State.

5. The learned counsel for the petitioner submitted that the

petitioner himself was a depositor and victim of A1 and that he was not aware of the charge sheet that was filed against him.

6. Per contra, the learned Government Advocate (Crl. Side) submitted that there are 18 accused in this case and the petitioner has been arrayed as A-8, since he had actively canvassed business and collected money from the depositors.

7. Taking into consideration the nature of the allegations in the charge sheet and the fact that the petitioner has not been able to enjoy the fruits of the bail, this Court is of the view that the interests of justice will be served, if the amount of Rs.2,00,000/- is reduced to Rs.50,000/-. Accordingly, this Court modifies the deposit amount of Rs.2,00,000/- (Rupees Two Lakhs Only) to Rs.50,000/- (Rupees Fifty Thousand Only). On such deposit, the amount shall be re-deposited in any nationalized bank, so that the account will accrue interest and the same can be disbursed to the depositors at the end of the trial.

8. The petitioner is also directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, one of whom, should be a blood relative, for the like sum to the satisfaction of the Special Court under TNPID Act, Chennai and on further condition that :

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

With the above modification, this petition is ordered, accordingly.

Sd/-
Assistant Registrar(CS VI)

//True Copy//
Sub Assistant Registrar

mk

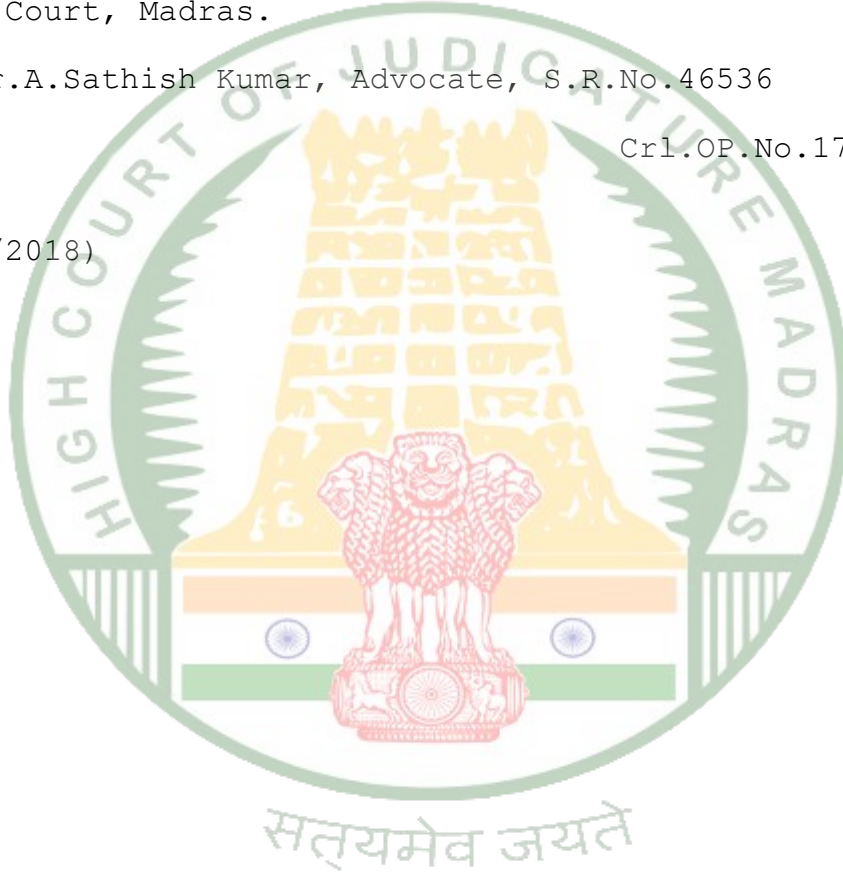
To

1. The Special Judge under TNPID Act,
Special Court under TNPID Act,
Chennai.
2. The Deputy Superintendent of Police
EOW-II, Chennai.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.Sathish Kumar, Advocate, S.R.No.46536

Cr1.OP.No.17961 of 2018

GSP(17/07/2018)



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