



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CRL.O.P. (MD) .No.13944 of 2018

K.Nirmalan

... Petitioner / Petitioner

Vs.

The State of Tamil Nadu,
Represented by the Inspector of Police,
Economic Offence Wing-II,
Nagercoil,
Kanyakumari District.

... Respondent / Respondent

PRAYER: Petition filed under Section 439 (i) (b) of Cr.P.C. to modify the condition no.2 imposed in Crl.MP.No.589/2018 dated 27.02.2018 on the file of the learned Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Madurai.

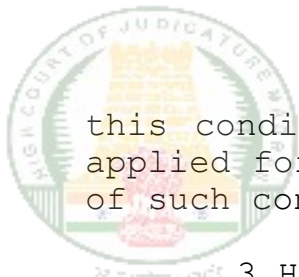
For Petitioner : Mr.K.K.Vijayan

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. side)

ORDER

The petitioner is an accused in Crime No.1 of 2017, registered on the file of E.O.W-II Police Station, Nagercoil. He was granted statutory bail on condition that he should deposit a sum of Rs.1,00,00,000/- (Rupees One Crore only), but the petitioner could deposit only a sum of Rs.8,00,000/- (Rupees Eight Lakhs only). The petitioner's wife and few others moved this Court seeking anticipatory bail. This Court had granted anticipatory bail to them. While so, granting anticipatory bail to the co-accused, this Court gave a direction that the accused to make a frank and full disclosure of the properties owned by them. So that their sale process can be fast tracked and sale process can equitably be distributed among the depositors. The petitioner as well as the other accused had cooperated and filed a disclosure statement. This Court has also passed a detailed order.

2.In this view of the order passed in the said Criminal Original petition, this Court is of the view that the condition imposed on the petitioner deserves to be modified. It is also seen that the petitioner had come out only on statutory bail. Therefore,



this condition to deposit has been stipulated when the prosecution applied for cancellation. This Court is of the view that imposition of such condition was also not warranted.

3.Hence, this Criminal Original Petition stands allowed accordingly.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1.The Special Court,
Tamil Nadu Protection of Interest of Depositors
(In Financial Establishment), Madurai.

2.The Inspector of Police,
Economic Offence Wing-II,
Nagercoil, Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.K.K.vijayan Advocate in SR.No.15039.

TSG

DS/SKN/RSK/SAR-1 :28.08.2018: 2P/5C

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