

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12563 of 2019

S.Hari

... Petitioner/Accused 1

Vs

The State rep. by
The Inspector of Police,
EOW-II, Vellore.
(Crime No.7 of 2015)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 43a(1) (b) of Cr.P.C., to modify the condition that "[e] the petitioner shall report before the respondent police daily by 10.A.M.," as imposed in the bail order in Crl.M.P.No.170 of 2019 dated 15.02.2019 passed by the Hon'ble Special Judge Under TNPID Act, Chennai.

For Petitioner : Mr.M.Ravikumar

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to modify the condition that "[e] the petitioner shall report before the respondent police daily by 10.A.M.," as imposed in the bail order in Crl.M.P.No.170 of 2019 dated 15.02.2019 passed by the Hon'ble Special Judge Under TNPID Act, Chennai.

2.The case of the prosecution is that the petitioner along with six other accused have defaulted in repayment of Rs.1,26,05,000/- pertaining to weekly and monthly chits and hence a case in Crime No.7 of 2015 has been registered under Sections 420 of IPC and Section 5 of TNPID Act. The petitioner was arrested on 04.12.2018 and remanded to judicial custody on the same day. Thereafter, the petitioner filed a petition for bail under Section 167(2)(a)(ii) of Cr.P.C., before the Hon'ble Special Judge Under TNPID Act in Crl.M.P.No.170 of 2019 and the

same was allowed by an order dated 15.02.2019 with various onerous conditions and this petition is filed to modify one of such conditions i.e., condition "[e] the petitioner shall report before the respondent police daily by 10.A.M.,".

3.The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 04.12.2018 by the respondent police. Further he would submit that, the petitioner was detained after the statutory period of 60 days and therefore, he filed a petition for the grant of statutory bail under Section 167(2)(a)(ii) Cr.P.C. The Hon'ble Special Judge Under TNPID Act, Chennai was pleased to grant bail to the petitioner by an order dated 15.02.2019. The learned counsel for the petitioner would further submit that while the petitioner was enlarged on statutory bail under Section 167(2)(a)(ii) Cr.P.C., no condition can be imposed and it is onerous and stringent. Therefore, he prays to modify the conditions imposed, while he was granted bail.

4. The learned Additional Public Prosecutor would submit that the petitioner complied the said condition regularly.

5. Heard Mr.M.Ravikumar, learned counsel appearing for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondent.

6. Considering the above facts and circumstances, the condition imposed by the Hon'ble Special Judge Under TNPID Act, Chennai in CrI.M.P.No.170 of 2019 dated 15.02.2019 that "[e] the petitioner shall report before the respondent police daily by 10.A.M.," is hereby relaxed. Accordingly, this criminal original petition stands allowed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rna

To

1.The Special Judge,
Under TNPID Act, Chennai.

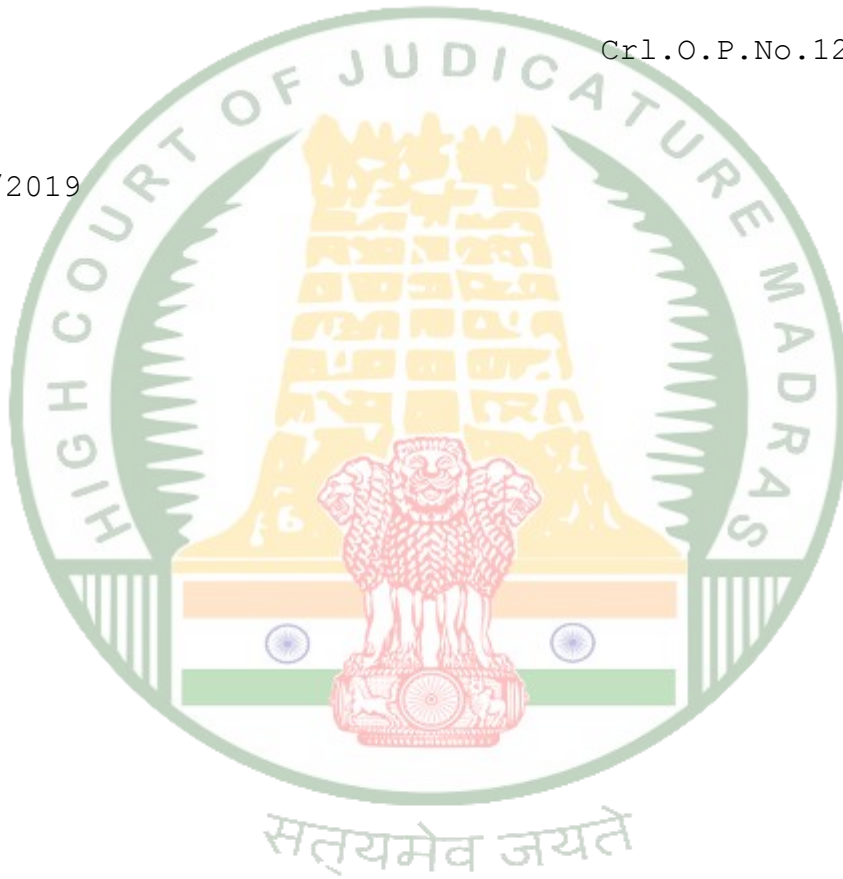
2.The Inspector of Police,
EOW-II, Vellore.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Ravikumar, Advocate Sr.45214

Cr1.O.P.No.12563 of 2019

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srg 02/07/2019



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