

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.5085 of 2019

The Rep.by
The Inspector of Police,
Economic Offences Wing II,
Tirunelveli Police Station,
Tirunelveli District.
(In Crime No.2/2018). ... Petitioner/Complainant

Vs

Ramasudarsan, ... Respondent/Accused No.2

For Petitioner : Mr.A.Robinson,
Government Advocate(Crl.Side)

For Respondent : Mr.A.Raja

PETITION FOR CANCELLATION OF BAIL Under Sec.439(2) of Cr.P.C

PRAYER :-

To accept the affidavit and cancel the bail order granted to the accused No.2 in Cr.M.P.No.726/2019 dated 08.03.2019 on the file of the learned Special Judge under TANPID Cases, Madurai.

ORDER : The Court made the following order :-

Heard the learned Government Advocate(Crl. Side) appearing for the petitioner and the learned counsel appearing for the respondent.

2. The respondent in this Criminal Original petition is shown as accused No.2 in Crime No.2 of 2018 registered on the file of the Economic Offences Wing II, Tirunelveli police station, Tirunelveli District. He was granted bail by the learned Special Judge under

TNPID Act cases, Madurai, on 08.03.2019. Seeking cancellation of the bail order granted in favour of the respondent herein, this Criminal Original petition has been filed.

3. The primary contention urged by the learned Government Advocate is that the financial establishment run by the accused owes to pay a sum of Rs.7 Crores as per the confession of the accused, to the various depositors. As per the averment set out in the affidavit filed in support of this petition, the accused has collected money from 193 persons to the tune of Rs.59,71,570/-. As per the statement made by the learned Government Advocate appearing for the petitioner, they have received complaint from 477 persons and liability comes to more than Rs.1½ Crores. The accused at the time of remand, made a statement that his liability is Rs.3 Crores.

4. While the quantum of liability of the accused may vary, it is not in dispute that the establishment run by him did commit default. But then, sending the respondent to prison may not really serve any purpose. The respondent was arrested on 02.02.2019 and granted bail on 08.03.2019. It is true that the respondent was asked to deposit only a meagre amount of Rs.5 Lakhs. However, he is said to have deposited the title deeds of the property worth more than a crore of rupees. As already observed by me, the cancellation of bail and sending the respondent to prison will not serve any purpose. The prosecution must focus on collecting the details relating to the deposits taken by the petitioner from various people and file final report at the earliest and ensure that the prosecution is speedily concluded.

5. With this observation, the Criminal Original petition stands dismissed.

sd/-

04/09/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SPECIAL JUDGE UNDER TANPID ACT CASES,
MADURAI.

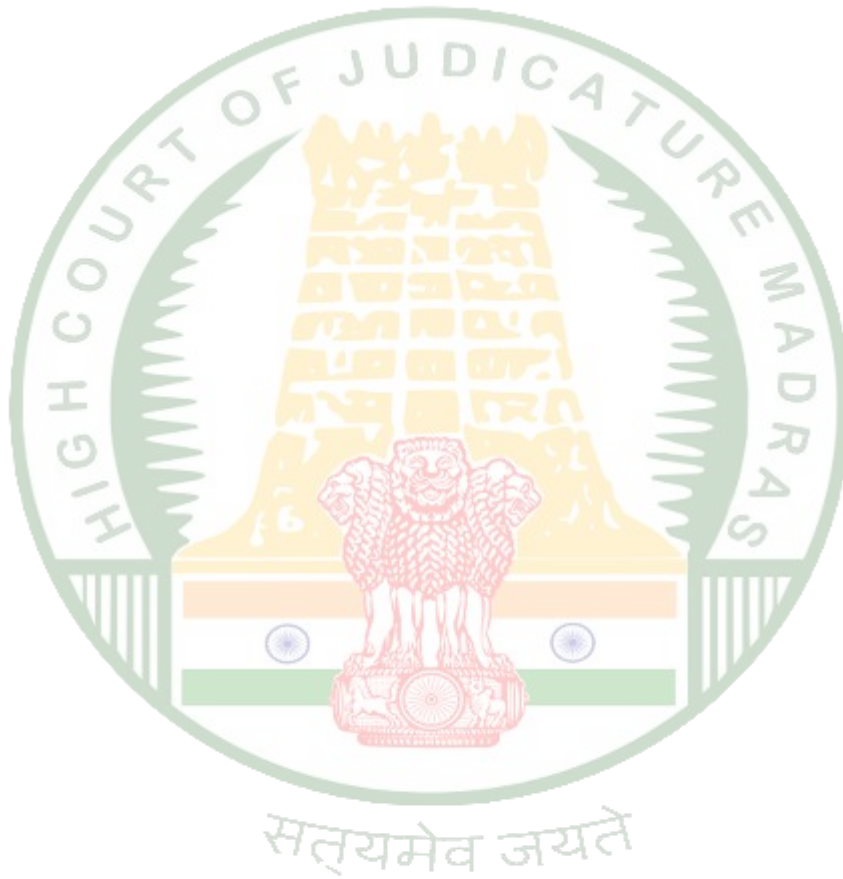
2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING II,
TIRUNELVELI POLICE STATION,

<https://hcservices.tn.gov.in/CServices> TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.5085 of 2019
Date :04/09/2019

PMU
AE/MMS/SAR-III (13.09.2019) 3P 4C



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