

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.2613 of 2020

Prem @ Premkumar

... Petitioner/Accused 6

Vs.

State represented by,
The Inspector of Police,
EOW - II, Coimbatore
(Crime No.6 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. to modify the condition No.2 he should deposit Rs.10,00,000/- within 15 days from the date of release on bail' in Crl.M.P.No.2920 of 2019 in Crime No.6 of 2019...

For Petitioner : Mr.K.Sendhilnaathan

For Respondent : Mr.S.Thankira

Government Advocate (Crl.Side)

O R D E R

This Criminal Original petition has been filed to modify the condition No.2 imposed in Crl.M.P.No.2920 of 2019 dated 18.11.2019 on the file of the learned Special Judge, Special Court for TNPID Act, Coimbatore, there by imposed the condition No.2 that the petitioner is directed to deposit a sum of Rs.10,00,000/- within 15 days from the date of release on bail.

2. The case of the prosecution is that the de-facto complainant learned about Al's VV Traders Company from one Rashith and he visited Al Firm and the accused persons informed that they are doing FOREX Trading and advised the complainant to invest money in their trade and they promised that if one lakh is invested with Al's V.V. Traders, he would get Rs.10,000/- each for 25 weeks. Believing their words of the accused, the informant invested Rs.1,05,000/- on 13.05.2019. After that he received Rs.25,675/- till June 2019 from Al Firm, subsequently, Al Firm failed to return the amount and the informant not able to contact the accused person and Al Firm was closed. Hence, a case was registered in Crime No.6 of 2019 for the offences punishable under Sections 406 & 420 of IPC and Section 5 of the

TNPID Act, 1997 and Sections 3, 5 r/w. 21 of the Banning of Unregulated Deposit Scheme Act, 2019.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has nothing to do with the alleged offence by the prosecution and the petitioner name was included without verifying the records and he filed a petition in CrI.M.P.No.2920 of 2019 dated 18.11.2019 on the file of the learned Special Judge, Special Court for TNPID Act, Coimbatore, there by imposed the condition No.2 that the petitioner is directed to deposit a sum of Rs.10,00,000/- within 15 days from the date of release on bail. The petitioner finds that the deposit amount imposed by the Court below is exorbitant and hence, he prays to modify the above said condition.

4.Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioner has committed very serious offence and hence the learned Magistrate has rightly imposed the above said condition.

5. Taking into consideration, the facts and circumstances of the case and also the fact that the condition imposed on the petitioner by the court below was very reasonable and hence, this Criminal Original Petition is dismissed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

msrm/ssn

To

1. The learned Special Judge,
Special Court for TNPID Act,
Coimbatore,

2. The Inspector of Police,
EOW - II, Coimbatore
(Crime No.6 of 2019)

3. The Public Prosecutor,
High Court, Madras.

+1 Cc to Mr.K.Sendhilnaathan, Advocate sr 12165.

CrI.O.P.No.2613 of 2020

RV(CO)
SP(28/02/2020)