

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2020

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Crl.O.P.No.33809 of 2019

V.Selvaraj

.... Petitioner / Accused No.5

Vs

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

.... Respondent/Complainant

Prayer :- Criminal Original Petition filed under Section 439(i)
(b) to modify the condition imposed in Crl.MP.No.2921 of 2019 on
the file of the learned Special Judge for TNPID Cases, Coimbatore
on 18/11/2019 in Crime No.6 of 2019.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Ms.S.Thankira
Govt Advocate [Criminal Side]

ORDER

This petition is filed to modify the condition imposed in
Crl.MP.No.2921 of 2019 on the file of the Special Court for TNPID
Cases, Coimbatore, on 18.11.2019 in Crime No.6/2019.

2. The petitioner is arrayed as A5 in Crime No.6/2019, inter alia
under Section 5 of the TNPID Act, 1997, and that he has filed a
petition seeking bail before the trial Court in CMP.No.2921/2019.
While so, the trial Court has granted statutory bail to the
petitioner and has imposed a condition to deposit 10,00,000/-,
before it, within 15 days from the date of release.

3. When the matter came up before this Court on 17.12.2019, the
learned Government Advocate [Criminal Side] made a statement that
an amount of Rs.15,00,000/- is lying in the savings account of
the petitioner and that his savings account has been frozen.
Hence, this Court Vide its order dated 17.12.2019, has required
the learned Government Advocate to ascertain if any fund is still
available in the savings account of the petitioner.

4. Be that as it may, the petitioner now wants refund of the amount. Suffice to say that even without any condition such as the one, if the petitioner is an accused under Section 5 of TNPID Act, his properties are liable to be attached under Section 7 of the TNPID Act.

5. The learned Government Advocate now makes a statement that the amount lying in the petitioner's account has been attached.

6. In view of the above, the present prayer of the petitioner cannot be acceded to. The petitioner is now required to workout his remedy provided in TNPID Act, 1997, and this Court grants fifteen days time to the petitioner from today, to comply with the conditions imposed by the trial Court.

7. Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

ds

To:

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

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.K.Nivesh Kumar, Advocate SR.No.8787(04/02/2020)

Cr1.OP.No.33809 of 2019

RSI (CO)
GMY (03/02/2020)

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