

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2021

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.2237 of 2021

1.Padmavathi
2.Saranya

..Petitioners

Vs

State rep.by
The Inspector of Police
E.O.W-II
Coimbatore
(Crime No.3 of 2020)

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to modify the conditions in Clause (2), (3) and (6) imposed in CrI.M.P No.278 of 2021 dated 02.02.2021 on the file of the learned Special Judge for TNPID Act, Coimbatore.

For Petitioner : Mr.B.Kumar, Senior Counsel for
Mr.B.Shruthan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed challenging some of the conditions imposed by the Court below while enlarging the petitioners on bail.

2. The petitioners have been arrayed as A3 and A5 in Crime No.3 of 2020. The petitioners were arrested and remanded to judicial custody on 22.11.2020. The petitioners filed a petition for bail before the Special Court, Coimbatore and the Special Court, on considering the facts and circumstances of the case, was pleased to grant bail to the petitioners by imposing certain conditions. The petitioners are aggrieved with conditions Nos.2, 3 and 6. Hence, the present petition has been filed before this Court.

3. Mr.B.Kumar, learned Senior Counsel appearing on behalf of the petitioners submitted that the third condition imposed by the Court below directing the sureties to produce solvency certificates is not sustainable in view of the repeated judgments of this Court, wherein this Court has held that such

solvency certificates should not be insisted and made as a condition for granting bail. The learned Senior Counsel, in order to substantiate his submissions, brought to the notice of this Court the orders passed by this Court in Crl.O.P No.22335 of 2019 dated 21.08.2019 and Crl.O.P No.8464 of 2020 dated 11.06.2020.

4. The learned Senior Counsel further submitted that the Court below has imposed condition no.6 wherein, the petitioners have been directed to appear before the Court for a period of 60 working days. The learned Senior Counsel submitted that the investigation has been completed and final report has been filed before the Court and no useful purpose will be served by directing the petitioners to appear before the Court and therefore, the said condition also requires modification.

5. The learned Senior Counsel while addressing his submissions on second condition imposed by the Court below, submitted that the blood relatives have already furnished sureties for the other accused persons and therefore, the grand-parents of the daughter-in-law of the 1st petitioner will stand as sureties for the petitioners. The learned Senior Counsel, therefore submitted that this Court may consider modifying the second condition imposed by the Court below.

6. Per contra, the learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the present case involves innocent depositors who had deposited their hard earned money in the financial establishment run by A1 and they were cheated to the tune of Rs.1,07,23,959/-. The learned Additional Public Prosecutor further submitted that nearly 50 depositors were cheated. The learned Additional Public Prosecutor submitted that further complaints have been received from 282 depositors to the tune of Rs.7,10,53,692/-. The learned Additional Public Prosecutor submitted that considering the gravity of the offence, there is absolutely no ground to interfere with the conditions imposed by the Court below and what has been filed before the Court below is only a preliminary report and further investigation is still going on.

7. This Court has carefully considered the submissions made on either side and also the materials available on record.

8. The three conditions upon which the petitioners have expressed their grievances, are extracted hereunder:

"2. The petitioners each shall produce two sureties and they shall execute a bond each for Rs.5,00,000/- (Rupees Five Lakhs only) to the satisfaction of this court and they shall be blood relatives;

3. The sureties shall produce solvency certificates issued by the Tahsildhar of their respective properties for Rs.5,00,000/- (Rupees Five Lakhs only) each;

6. The petitioners shall appear before this Court on 60 working days at 10.30 a.m;

9. Insofar as the second condition is concerned, it is submitted that the blood relatives have already stood as sureties for the other accused persons. The grand-parents of the daughter-in-law of the 1st petitioner are willing to stand as sureties for the petitioners. Considering the grievance expressed, the second condition imposed by the Court below is modified to the effect that each of the petitioner will produce sureties who shall execute a bond each for a sum of Rs.5,00,000/- (Five Lakhs only) to the satisfaction of the Court below and those sureties shall be the grand-parents of the daughter-in-law (Pavithra) of the 1st petitioner.

10. Insofar as the third condition is concerned, this Court has repeatedly held that sureties should not be insisted to produce solvency certificates and the same cannot be made as a condition while granting bail. Therefore, the third condition is set aside.

11. Insofar as the sixth condition is concerned, no useful purpose will be served in directing the petitioners to appear before the Court for 60 working days. It is reported that further investigation is going on by virtue of the subsequent complaints received by the police. Therefore, it will be more appropriate to direct the petitioners to report before the respondent police rather than reporting before the Court. In view of the same, condition No.6 is modified to the effect that the petitioners will report before the respondent police every Monday at 11.00 a.m for a period of three months and thereafter, as and when required.

12. The order passed by the Court below is modified to the extent indicated herein above and this Criminal Original Petition is disposed of accordingly.

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Sd/-

Assistant Registrar(CCC)

// True Copy//

Sub Assistant Registrar

To

1. The Special Judge for TNPID Act, Coimbatore.
2. The Inspector of Police
E.O.W-II, Coimbatore
3. The Public Prosecutor, High Court, Madras.
- +2 ccs Mr.B.Shruthan, Advocate SR.7278

CrI.O.P.No.2237 of 2021

AJB (CO)

<https://hcservices.ecourts.gov.in/hcservices/>

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