



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 30.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.273 of 2021

Dharves Akthar @ Darvishaktar

.. Petitioner

Vs.

The Inspector of Police,
Economic Offences Wing,
Dindigul District.
(Crime No.2 of 2020)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records relating to the order dated 11.03.2021 passed in Cr.M.P.No.683 of 2021 by the Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Madurai, seeking modification of the order dated 02.03.2021 passed in Cr.M.P.No.568 of 2021 by the said Court in Crime No.2 of 2020 on the file of the respondent, to set aside the same.

For Petitioner

: Mr.D.Malaichamy

For Respondent

: Mrs.S.Bharathi

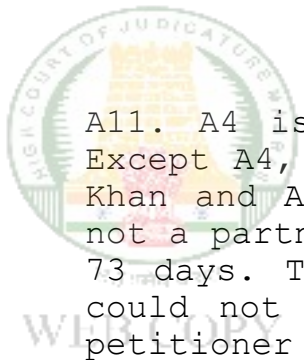
Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the order passed in Crl.M.P.No.683 of 2021 dated 11.03.2021, on the file of the learned Special Judge, Special Court for TNPID Act Cases, Madurai.

2.The allegation against the petitioner is that the petitioner and others induced the public to invest money in the firm and later, they failed to return the money to the depositors. A case was registered against the petitioner in Crime No.2 of 2020. The petitioner has filed a bail petition in Cr.M.P.No.568 of 2021 before the Special District Judge, (TNPID Act Cases), Madurai. That petition was allowed by the trial Court on certain conditions. Later the petitioner has filed a petition in Cr.M.P.No.683 of 2021 on the file of learned Special Judge, Special Court under TNPID Act Cases, Madurai, for modification of the third condition imposed in Crl.M.P.No.568 of 2021. The modification petition was dismissed by the Special Court. Against the same, the petitioner has preferred this Criminal Revision Case.

3.On the side of the petitioner, it is stated that the Special Court for TNPID Act Cases in Cr.M.P.No.568 of 2021 has imposed a condition for deposit of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.2 of 2020 within a period of three weeks from the date of petitioner's release. The petitioner is only



A11. A4 is the Director of the company. A1 to A3 are companies. Except A4, all other accused are family members. Only accused Ajesh Khan and A4 are partners in A1 to A3 companies. The petitioner is not a partner in any of the company. The bail was granted only after 73 days. The condition of cash deposit is huge and the petitioner could not mobilise the funds. There is no allegation against the petitioner and prayed the condition to be modified.

4. On the side of the respondent, it is stated that totally 13 accused involved in the case. The petitioner is A11. The petitioner is one of the partner in the company. A4 is none other than the father of the petitioner. A4 is the Director of the company. The bail was already granted to the petitioner. After release, the petitioner was directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only). After enjoying the bail, the petitioner is not willing to oblige the condition and prayed the petition to be dismissed.

5. The allegation against the petitioner is serious in nature. The petitioner is enjoying the bail but he is not ready to oblige the condition imposed by the trial Court. Considering the nature of offence, the condition imposed by the trial Court is reasonable.

6. Hence, the petitioner is hereby directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.2 of 2020 within a period of three weeks from the date of receipt of copy of this order. Failing which, the bail granted to the petitioner by the trial Court stands automatically cancelled.

7. With the above direction, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1.The Special Judge, Special Court under TNPID Act Cases, Madurai.

2.The Inspector of Police,
Economic Offences Wing,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-15204[F] dated 01/04/2021)

Crl. R.C.(MD)No.273 of 2021
30.03.2021

PK(CO)
KB(27.04.2021) 3P 5C