



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :19.04.2022
CORAM
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.R.C(MD)No.252 of 2022

N.Nattarayan

...Revision Petitioner/
De facto Complainant

Vs.

1.State Rep. through
The Inspector of Police,
Economic Offences Wing - II,
Madurai.
(Cr.No.6 of 2010)

...1st Respondent/Complainant

2.Global Capital Trading Services,
Represented by its Managing Director,
K.S.Palanisamy.

3.K.S.Palanichamy

... 2nd & 3rd Respondents/
Accused Nos.1 & 2

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for entire records pertaining to the dismissal of the cancellation of bail order passed by the Special Judge, TNPID Court, Madurai in Cr.M.P.No.673 of 2021 in C.C.No.11 of 2013, dated 08.04.2021 and set aside the same.

For Petitioner	: Mr.A.P.Muthupandian
For R1	: Ms.M.Aasha Government Advocate (Crl.side)
For R2	: No Appearance
For R3	: Mr.R.L.Dhilipan Pandian

O R D E R

This petition has been filed to set aside the order made in Cr.M.P.No.673 of 2021 in C.C.No.11 of 2013, dated 08.04.2021 passed by the learned Special Judge, TNPID Court, Madurai.

2.On perusal of records revealed that on the complaint lodged by the petitioner, the case has been registered in Cr.No.6 of 2010 by the first respondent for the offences under Sections 406 and 420 of IPC., and Section 5 of TNPID Act. In pursuant to the registration of FIR, the third respondent was arrested on 03.11.2010. However, the first respondent failed to file a final report within a period of 60 days and as such he was released on statutory bail on condition that the third respondent had executed a bond for Rs.5,00,000/- with two sureties and also deposit a sum of Rs.2,00,000/- before the trial Court. Further imposed the condition



directing the petitioner to produce the original documents of immovable properties within a period of 30 days from the date of release. However, after release from the prison, the third respondent failed to produce original title documents before the Court below. Therefore, the prosecution filed a petition for cancellation of bail in Cr.M.P.No.357 of 2011 and the same was allowed on 14.03.2011. Aggrieved by the order, the respondents 2 and 3 herein have filed a revision before this Court in Crl.R.C.(MD) No.242 of 2011 and the same was allowed on condition that the third respondent and his wife shall not alienate and encumber the property and shall not alter the physical features of the property in any manner during the pendency of this case.

3. Accordingly, the third respondent filed an affidavit, dated 28.06.2011, thereby, furnished details of properties owned by him as well as his wife and given undertaking that he will not operate with the properties or encumber or alienate the properties, pending disposal of the case in Cr.No.6 of 2010. While being so, on the very same ground the petitioner being the defacto complainant filed a petition to cancel the bail granted to the third respondent herein.

4. It is seen from the records that already the Court below cancelled the bail granted to the third respondent on the very same ground and the same was set aside on condition that the petitioner and his wife shall furnish all the details of the documents and also gave undertaking that they will not alienate the property or encumbrance the said property.

5. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that now the investigation completed and the case has been taken cognizance in C.C.No.11 of 2013 on the file of the Special Court under TNPID Act Cases, Madurai. So far the prosecution examined all the witnesses except the Investigation Officer and the case was posted for the evidence of Investigation Officer. Therefore, the Court below rightly dismissed the petition filed by the petitioner for cancellation of bail and this Court finds no infirmity or illegality in the order passed by the Court below.

6. In view of the above, the Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:

- 1.The Special Judge, TNPID Court,
Madurai.
- 2.The Inspector of Police,
Economic Offences Wing - II,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Section officer, Criminal Section,
Madurai Bench Of Madras High Court, Madurai. (2 COPIES)

Crl.R.C(MD)No.252 of 2022
19.04.2022

RD(25.05.2022) 3P 6C