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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.874 of 2024

Prabakar @ Prabhakaran

... Petitioner

-Vs-

The Inspector of Police,
Economic Offence Wing,
Chennai.

... Respondent

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the bail condition imposed in Crl.MP.No.1881 of 2023 dated 15.05.2023 "that8) After release on bail the petitioner/accused is directed to deposit a sum of Rs.10 Lakhs or shall deposit original title deed for the value of Rs.10 Lakhs along with valuation certificate obtained from the authority concerned within the period of 30 days from the date of his release....."

For petitioner : Mr.S.Krishnamoorthy
For Respondents : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The Criminal Revision is filed to set aside the the bail condition imposed in Crl.MP.No.1881 of 2023 dated 15.05.2023 on the file of the learned Special Judge, under the Tamil Nadu Protection of interest of Depositors, Chennai.



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2. The learned counsel for the petitioner submitted that the petitioner was remanded to judicial custody on 13.02.2023 for the alleged offenses under Section 406, 409, 420. 120(b) of IPC and Section 5 of TNPID Act and he completed judicial custody for more than 90 days and the petitioner was granted statutory bail petition with certain condition viz., "After release on bail, the petitioner /accused is directed to deposit a sum of Rs.10 lakhs or shall deposit original title deed for the value of Rs.10 lakhs along with valuation certificate obtained from the authority concerned within the period of 30 days from the date of his release."

3. Challenging the said order passed by the learned trial Court, the petitioner has filed the present Criminal Revision before this Court.

4. The learned counsel for the petitioner submitted that the above said onerous condition is not permissible while granting the default bail under Sec. 167(2) of Cr.P.C. The respondent police has not filed charge sheet till today. Hence, the learned counsel prays to set aside the said condition imposed on the petitioner.



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5. The learned Government Advocate submitted that the amount involved in this case is Rs.1.90 Crores. The respondent police is investigating the matter for filing charge sheet and the same has been sent for getting public prosecutor's opinion for filing cancellation of bail.

6. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

7. Considering the facts and circumstances of the case and also of the fact that the amount involved in this case is very larger sum and the trial Court has ordered to pay a sum of Rs.10 lakhs which is very meagre and the petitioner has not complied with the said condition, which is not sustainable one. Hence, the order passed by the trial Court is perfectly in order, which cannot be interfered with.

8. Accordingly, the criminal revision is dismissed.

07.06.2024
M.DHANDAPANI,J.

Rli



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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No
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To

The Special Judge, under the Tamil Nadu Protection of interest of Depositors,
Chennai.

2. The Inspector of Police,
Economic Offence Wing,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

Crl.RC.No.874 of 2024

07.06.2024