



Crl.O.P.(MD)No.8962 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.8962 of 2024

Jesuraj

... Petitioner

Vs.

1.Sivakumar

2.The State represented by
the Inspector of Police,
Economic Offences Wing,
Sivagangai.
Crime No.8 of 2022

...Respondents

PRAYER: Criminal Original Petition is filed under Section 439 (2) of Cr.P.C. to set aside the impugned bail order granted to the first respondent in Cr.M.P.No.129 of 2024 dated 05.04.2024 on the file of the learned Special Judge for TNPID Act Cases, Madurai and cancel the bail.

For Petitioner : Mr.M.Jegadeesh Pandian

For R-1 : Mr.Ma.Gowthaman

For R-2 : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

ORDER

This Petition has been filed to set aside the impugned bail order granted to the first respondent in Cr.M.P.No.129 of 2024, dated



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05.04.2024 on the file of the learned Special Judge for TNPID Act Cases,
Madurai .

2. Heard the learned counsel on either side.

3. The main ground that was urged by the learned counsel appearing for the petitioner is that the first respondent obtained the bail order before the Sub Court by suppressing various facts and the Court below did not consider certain important aspects before enlarging the first respondent on bail.

4. The learned Government Advocate (Criminal Side) appearing for the second respondent Police on instructions submitted that the case is presently under investigation by the Deputy Superintendent of Police, Ramanathapuram. That apart, already steps have been taken to attach six properties and the Government Order is awaited. The value of these properties is Rs.13,21,550 (Rupees Thirteen Lakhs Twenty One Thousand Five Hundred and Fifty only). There are totally 717 depositors involved in this case and the total amount that has to be settled is Rs.44,00,000/- (Rupees Forty Four Lakhs only). He further submitted that 23 more properties have now been identified and effective steps are being taken. He also submitted that the first respondent is regularly appearing before the respondent Police and co-operating with the investigation.



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5. In the considered view of this Court, the Court below has properly applied its mind before enlarging the first respondent on bail.

The bail granted by the Court can be cancelled only if the conditions imposed by the Court has not been complied with or there are some supervening circumstances warranting such cancellation. Both those conditions are not satisfied in the case in hand. While dealing with the petition for cancellation of bail, the Court bear in mind that there is a marked difference between dealing with a petition challenging the order passed granting bail to an accused person and a petition filed for cancellation of bail. The consideration is completely different in both these petitions.

6. In the light of the above discussion, this Court does not find any ground to cancel the bail granted in favour of the first respondent.

7. Accordingly, this Criminal Original Petition stands dismissed.

14.11.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

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



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N.ANAND VENKATESH. J.

TSG

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