

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.14575 of 2017

IN CRL A.593/2016

BHUSHAN KUMAR

[PETITIONER]

Vs

UNION OF INDIA, REP.BY
THE INSPECTOR OF POLICE,
CBI/EOW/CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to relax the condition imposed on the petitioner in Crl.M.P.No.8160 of 2016 in Crl.A.No.593 of 2016 Dated 24.08.2016 pending CRL A.593/2016

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.P.ANANTHA KRISHNA, Advocate for the petitioner and of MR.K.SRINIVASAN SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

Seeking to relax the condition imposed on the petitioner/A-4 in Crl.M.P.No.8160 of 2016 in Crl.A.No.593 of 2016, dated 24.08.2016 the petitioner/A-4 is before this Court with this petition.

2. This Court by an order dated 24.08.2016 granted conditional bail to the petitioner/A-4 in Crl.M.P.No.8160 and 8161 of 2016 and the terms of the conditions levied are as under:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned XI Additional Sessions Judge (Special Judge for CBI cases relating to Banking and financial institutions), Chennai within a period of 15 days from the date of receipt of a copy of this order.

(ii) The petitioner shall deposit a sum of Rs.40 lakhs in three installments. Out of the total sum of Rs.40 lakhs, the petitioner shall deposit a sum of Rs.5 lakhs at the time of executing the bond before the trial Court. The second installment of Rs.10 lakhs shall be deposited by

the petitioner within a period of four months from today and the third installment of Rs.25,00,000/- paid within a period of 4 months thereafter. In case of failure on the part of the petitioner in depositing the amount as stated above, the respondent can move this court for cancellation of bail.

(iii) The petitioner shall report before the trial Court at 10:30 a.m. once in a month i.e., first working day of every month.

The condition (ii) of cash deposit of Rs.35,00,000/- in two installments within 8 months was later modified after once extending the time for deposit to the effect to deposit a sum of Rs.5,00,000/- in cash and value of the immovable property worth more than Rs.30 lakhs as security vide order dated 14.09.2017 in CrI.O.P.No.11687 of 2017.

3. The learned counsel appearing for the petitioner/A-4 submitted that the petitioner/A-4 has complied with all the conditions as mentioned above and with regard to condition (iii) stated supra, the petitioner/A-4 has been complying with the condition without fail from 01.09.2016, for over a period of one year. The petitioner/A-4 submitted that since being a senior citizen and having various age related ailments, he has sought for relaxation of the condition imposed on him.

4. The learned Special Public Prosecutor appearing for the respondent submitted that the petitioner/A-4 has been regularly complying with the condition imposed by this Court on 24.08.2016 from 01.09.2016 to till date.

5. Heard the learned counsel appearing for the petitioner/A-4 and the learned Special Public Prosecutor appearing for the respondent.

6. Considering the facts and circumstances of the case and taking note of the submissions made by the learned counsel appearing on either side, one of the conditions imposed by this Court on 24.08.2016 that the petitioner/A-4 shall report before the concerned Court on the 1st working day of every English Calendar month at 10.30 a.m., until further orders is modified to the effect that **'the petitioner shall report before the concerned Court viz., learned XI Additional Sessions Judge (Special Judge for CBI cases relating to Banking and financial institutions), Chennai, once in three months starting from January 2018, on the first working day of every quarterly month until further orders.'**

7. Accordingly, this criminal miscellaneous petition is modified.

-sd/-
23/11/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XI ADDITIONAL SESSIONS JUDGE
[SPECIAL JUDGE FOR CBI CASES RELATING
TO BANKING AND FINANCIAL INSTITUTIONS],
CHENNAI.

2 THE SPECIAL PUBLIC PROSECUTOR,
FOR CBI CASES, HIGH COURT,
MADRAS.

3 THE UNION OF INDIA, REP.BY
THE INSPECTOR OF POLICE,
CBI/EOW/CHENNAI.

+1C.C. to M/S.K.P.ANANTHA KRISHNA Advocate on payment of
necessary charges SR NO.21510

Order

in
CRL MP.14575/2017

in
CRL A.593/2016

Date :23/11/2017

From 7.2.2001 the Registry is issuing certified
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MK:28/11/2017