Yumkham Rother
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Item – 1

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC(Crl.Petn.) No.14 of 2020
Ref:- A.B. No.42 of 2020 (D/C)

(Through Video conference)

Shri Okram Ibobi Singh, aged about 72 years old, S/o late O. Angoubi Singh, a resident of Thoubal Athokpam Makha Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur- 794130.

Applicant/s …

- Versus –

The Directorate of Enforcement with its Headquarter at New Delhi through the Director of Enforcement, 1st and 2nd Floor, MTNL Building, Jawaharlal Nehru Marg, New Delhi – 110002.

Respondent/s …

BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN

23.12.2020

This petition in MC(Crl.Petn.) No.14 of 2020 has been filed by the petitioner in AB No.42 of 2020 seeking the prayers as follows:-

"a) Allow the present application by directing necessary clarificatory changes w.r.t. para 84 (i), (ii) & (vi) of the judgment & order dated 16.12.2020 as highlighted at

para 5 of the present application, as deem fit by this Hon'ble Court;

b) *Pass any/other order/s as deem fit in the facts and circumstances of the present case."*

[2] Originally, the petitioner has filed anticipatory bail in AB No.42 of 2020 and this Court by order dated 16.12.2020 has allowed the anticipatory bail in AB No.42 of 2020 by imposing the following conditions:-

i) *The petitioner, namely Okram Ibobi Singh, son of O.Angoubi Singh shall execute a personal bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties for the like sum to the satisfaction of the respondent Directorate of Enforcement.*

ii) *The petitioner shall surrender before the respondent Directorate of Enforcement within fifteen days from today, failing which this order shall automatically stand cancelled.*

iii) *The petitioner shall co-operate with the investigation as and when required by the respondent Directorate of Enforcement.*

iv) *If the petitioner fails to appear despite summons, the respondent is at liberty to approach this Court for cancellation of anticipatory bail.*

v) *The petitioner shall not tamper with the prosecution evidence in any manner.*

vi) *The petitioner shall not leave the country without permission of the respondent Enforcement Directorate. P a g e | 57 A.B. No. 42 of 2020*

vii) *The petitioner shall not indulge in similar type of criminal activities in future.*

viii) *If the petitioner violates any one of the conditions, the bail is liable to be cancelled.*

[3] After passing the order in AB No.42 of 2020, the petitioner has filed the present MC(Crl.Petn.) No.14 of 2020 seeking some modification in the order passed by this Court in Paragraph No.84 (i), (ii) & (vi).

[4] When the matter was taken up on 22.12.2020, Mr. N. Ibotombi, Ld. senior counsel for the petitioner has mentioned that he is not pressing the modification prayed in Para No.84 (ii) & (vi) and he is ready to file undertaking affidavit in respect of modification in Para No.84 (i). Accordingly, the matter has been adjourned today, i.e., on 23.12.2020.

[5] When the matter is taken up today, the petitioner has filed undertaking affidavit dated 23.12.2020 and in the affidavit, it is mentioned as follows:-

"1. That, by an order dated 22.12.2020, the Hon'ble Court directed the deponent to file an appropriate Undertaking Affidavit thereby stating that the deponent will not leave

the Country without the permission of the Competent Authority as well as the Deponent will comply all the conditions imposed by the Hon'ble Court mentioned in its order dated 16.12.2020. The Deponent shall comply all the conditions mentioned in the order dated 16.12.2020 and order dated 22.12.2020.

2. That, the deponent shall also deposit an amount of Rs.1,00,000/- each either in the form of Fixed Deposit or in cash to the Directorate of Enforcement instead of furnishing 2(two) sureties.

3. That, the deponent shall also appear before the Directorate of Enforcement located at Guwahati within the stipulated period mentioned in the order dated 16.12.2020."

[6] On hearing the counsels Mr. N. Ibotombi, Ld. senior counsel for the petitioner and Mr. S. Suresh, Ld. ASG, Ld. counsel for the respondent informed this Court that as per Para No.2 of the undertaking affidavit filed by the petitioner that the petitioner shall deposit an amount of Rs.1,00,000/- each either in the form of Fixed Deposit or in cash to the Directorate of Enforcement may be modified and directed the petitioner to deposit the said amount in the Registry of the High Court of Manipur.

[7] Mr. N. Ibotombi, Ld. Sr. counsel for the petitioner also agreed for the same.

[8] Therefore, by allowing this petition in MC(Crl.Petn.) No.14 of 2020, the order in AB No.42 of 2020 dated 16.12.2020 is modified in respect of Para No. 84 (i) as follows:-

The petitioner is directed to deposit Rs.1,00,000/- (Rupees one lakh) each in the Registry of the High Court of Manipur instead of the condition to furnish sureties of 2(two) persons.

[9] All the other conditions imposed by this Court in AB No.42 of 2020 dated 16.12.2020 stand as it is and the same should be complied by the petitioner.

[10] Accordingly, the petition in MC(Crl.Petn.) No.14 of 2020 is allowed to the effect mentioned above.

[11] Registry is directed to issue copy of this order to both the parties through their e-mail/whatsapp.

JUDGE

Larson