

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.6990 of 2020

in

Crl.O.P.No.10322 of 2020

S.Santhosh Kumar

..... Petitioner

Vs.

State Rep by

The Senior Intelligence Office
DGGI, Chennai Zonal Unit,
No.16, Greams Road, BSNL Building,
Tower-II, V Floor,
Chennai- 600 006
R.R.No.7 of 2020

..... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition No.(b) that the petitioner shall furnish two sureties who shall deposit title deed of immovable property value of Rs.20 lakhs before the Additional Chief Metropolitan Magistrate (E.O.I), Egmore, Chennai, within four weeks from the lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, failing which, the bail granted by this Court shall stand dismissed automatically imposed by this Hon'ble Court in Crl.O.P.No.10322 of 2020 dated 13.07.2020

For Petitioner : Mr.D.Gopikrishnan

For Respondent : Mr.N.P.kumar

Special Public Prosecutor for GST Cases

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O R D E R

(The case has been heard through video conference)

This petition has been filed to modify the condition No.(b) imposed by this Court in Crl.O.P.No.10322 of 2020 dated 13.07.2020 that the petitioner shall furnish two sureties who shall deposit title deed of immovable property value of Rs.20 lakhs before the Additional Chief Metropolitan Magistrate (E.O.I), Egmore, Chennai, within four weeks from the lifting of lock down or the commencement of the Court's normal functioning whichever is earlier.

2. The learned Counsel for the petitioner would submit that the petitioner was earlier granted default bail on 01.07.2020 by the learned Additional Chief Metropolitan Magistrate, EO-I, Egmore, Chennai, in E.Bail M.P No.695 of 2020 and one of the condition imposed was that the petitioner shall deposit a Demand Draft for a sum of Rs.7 lakhs drawn in favour of Chief Metropolitan Magistrate, (E.O.I) Egmore, Chennai, and the petitioner was also directed to deposit title deed of immovable property worth not less than Rs.20 lakhs stands either in his name or any relatives along with an affidavit before the Court. Thereafter, the petitioner had filed a petition before this Court in CrI.O.P.No.10322 of 2020 seeking for modification and this Court by order dated 13.07.2020, had modified the condition by setting aside the direction to deposit a sum of Rs.7 lakhs and directed the petitioner to furnish two sureties who shall deposit title deed of immovable property with value of Rs.20 lakhs before the Additional Chief Metropolitan Magistrate (EO-I), Egmore, Chennai, within four weeks from the lifting of the lock down or the commencement of the Court's normal functioning whichever is earlier. The learned Counsel would submit that despite, the best efforts taken by the petitioner, no person had come forward to stand as surety for him and deposit the original title deeds worth Rs.20 lakhs before the Additional Chief Metropolitan Magistrate (EO-I), Egmore, Chennai. Thereby, the petitioner himself has purchased a property in his name for the worth of Rs.20 lakhs on 15.10.2020 and it has been registered vide Document No.1583 of 2020 at the office of the Sub Registrar, Thiruvallur. The petitioner in lieu of not being able to furnish two sureties and deposit title deeds of immovable property worth Rs.20 lakhs, has filed the present petition seeking for modification to permit him to deposit Rs.7 lakhs by way of Demand Draft as per the original order and to permit the petitioner to deposit his own immovable property document worth Rs.20 lakhs to the credit of the case.

3. Mr.N.P.Kumar, Special Public Prosecutor for GST cases would vehemently oppose to modify the condition stating that earlier the lower Court while granting bail, had directed the petitioner to deposit Demand Draft for Rs.7 lakhs drawn in favour of Chief Metropolitan Magistrate, (E.O I) Egmore, Chennai, and had also directed to deposit title deed of immovable property worth not less than Rs.20 lakhs stands either in his name or any relative's name along with an affidavit before the Court. Thereafter, the petitioner had filed a modification petition before this Court and this Court by order dated 13.07.2020 in CrI.O.P.No.10322 of 2020, had modified the conditions. Whereas, the petitioner is dragging the issue and he has been delaying to comply with the conditions.

4. At this juncture, the learned Counsel for the petitioner would reiterate that none of his relatives have offered to give their property as security and thereby, the petitioner was constrained to purchase a property in his name and now he is prepared to offer the same as surety before the Court and he is also prepared to pay a sum of Rs.7 lakhs by way Demand Draft as per the original order which could be adjusted towards his GST liabilities.

5. Taking into consideration of the facts and circumstances and the submissions of the learned Counsel for the petitioner that the petitioner is prepared to deposit tile deed stands in his name and he is also prepared to pay a sum of Rs.7 lakhs by way demand draft drawn in favour of the GST account of the petitioner's company, the condition 9(b) imposed by this Court in Crl.O.P.No.10322 of 2020 dated 1307.2020, is modified to the effect that;

[*](b) The petitioner shall deposit the original title deeds of immovable property standing in his name registered as Document No.1583 of 2020 dated 15.10.2020, at the office of Sub Registrar, Thiruvalangadu, to the credit of R.R.No.7 of 2020 on the file of the respondent police, before the Additional Chief Metropolitan Magistrate (E.O.I), Egmore, Chennai. Further, the petitioner shall deposit Rs.7 lakhs (Rupees Seven Lakhs) to the credit of M/s.Meenatchi Enterprises in GSTIN No.33BZMPD6703M1Z8 by way of RTGS or cash and produce the proof for such payment before the Court.

6. The petitioner is directed to comply with the said conditions within a period of three weeks from the date on which the order copy is made ready failing which, the bail granted to the petitioner shall automatically canceled. The other conditions shall remain intact.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-
08/01/2021

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

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

[*]Being mentioned and further, fifteen days time is extended from today to comply with the conditions, as per order of this Court dated 18/02/2021

TO

1 THE ADDITIONAL CHIEF METROPOLITAN MAGISTRATE (E.O.I),
EGMORE.

2 THE ADDITIONAL CHIEF METROPOLITAN MAGISTRATE (E.O.II),
EGMORE.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SENIOR INTELLIGENCE OFFICER,
DGGI, CHENNAI ZONAL UNIT,
NO.16, GREAMS ROAD, BSNL BUILDING,
TOWER-II, V FLOOR,
CHENNAI-600 006.

+1C.C. to M/S. D.GOPIKRISHNAN Advocate on payment of necessary
charges SR NO.242

Order

in
CRL MP.6990/2020

in
CRL OP.10322/2020

Date :08/01/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MK:29/01/2021

MK:02/02/2021

MK:19/02/2021

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