



WEB COPY



CRL.O.P.No.1051 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.1051 of 2022

Dhanalakshmi

... Petitioner

Versus

State rep. by:-

The Assistant Commissioner of Police,
Bank Fraud Investigation,
Central Crime Brance, Chennai.
(Cr. No.95/AC/2020/CCB-I)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the bail condition imposed by the learned Special Court for the cases under Prevention of Corruption Act at Chennai by its order dated 03.01.2022 made in CrI.M.P.No.1308/2021 that the 1) the petitioner shall file an affidavit of undertaking that she will not withdraw the sum of Rs.30,00,000/- lying in the defacto complainant branch which the provident fund amount and other benefits amount of the petitioner & 2) the petitioner shall deposit a sum of Rs.25,00,000/- to the credit of Cr.No.95/2020.



WEB COPY



CRL.O.P.No.1051 of 2022

For Petitioner : Mr.Jai Sangar.
For Respondent : Mr.E.Raj Thilak,
Addl. Public Prosecutor

ORDER

The petitioner/accused in Crime No.95 of 2020 for the offence under Section 409 IPC and 13(2) & 13(1) (c) Prevention of Corruption Act, 1988 was arrested by the respondent police on 08.12.2021.

2. Prior to her arrest the petitioner had filed Anticipatory Bail application in Crl.O.P.No.1139 of 2021. This Court was pleased to grant Anticipatory Bail to the petitioner with certain conditions. One of the condition is that the petitioner has to maintain Rs.30,00,000/- in her account and not to withdraw the provident fund amount. Further to deposit a sum of Rs.25,00,000/- to the credit of the Crime No.95 of 2020. Since the petitioner was unable to comply with the 2nd condition of depositing Rs.25,00,000/- within the time, she filed a miscellaneous petition seeking a modification and extension of time. This Court has granted the same. Thereafter to, the petitioner failed to comply



CRL.O.P.No.1051 of 2022

with the Order of this Court dated 15.03.2021 and 23.04.2021.

WEB COPY

3. Finding that the petitioner had not complied with the Order of this Court, the respondent police arrested the petitioner on 08.12.2021. Thereafter, the petitioner moved a Bail Application in CrI.M.P No. 1308 of 2021 and the trial court by Order dated 03.01.2022 granted bail to the petitioner with the same condition which was imposed in the Anticipatory Bail in CrI.O.P.No.1139 of 2021.

4. The contention of the petitioner is that since the petitioner was unable to comply with the condition, the petitioner could not execute sureties and finally she was arrested. Now imposing the same condition would amount to further detention of the petitioner. According to the petitioner, the condition is onerous one. Finally, the petitioner has been granted bail by the trial Court on



CRL.O.P.No.1051 of 2022

WEB COPY

03.01.2022 which is almost 10 days now. Still the petitioner is unable to execute the sureties and in confinement.

5. In view of the same, this Court is inclined to modify the condition by deleting the condition No.2 alone. Now it is represented that restrictions in the working of the Court imposed. The proceedings are only through virtual mode.

6. In view of the same, the petitioner to execute a bond for Rs.10,000/- before the Superintendent of Central Prison (Women), Chennai where she is confined and thereafter, to appear before the respondent police daily at 10.00.a.m. for a period of 30 days. The petitioner to file a copy of the affidavit before the respondent police with regard to the condition No.1. Within a period of 15 days from the commencement of the normal functioning of the Court, the petitioner to execute the sureties as per the Order of the Trial Court



CRL.O.P.No.1051 of 2022

WEB COPY

and another copy of the affidavit to be filed before the Trial Court with the above modification.

7. With the above directions, this Criminal Original Petition is closed.

12.01.2022 Index: Yes/No

Speaking/Non-speaking: Yes/No
kmi/mpl

Note: Issue order copy by today (12.01.2022).

To

1. The Assistant Commissioner of Police,
Bank Fraud Investigation,
Central Crime Branch, Chennai.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



CRL.O.P.No.1051 of 2022

M.NIRMAL KUMAR, J.

kmi/mpl

CRL.O.P.No.1051 of 2021

12.01.2022