



WEB COPY



Crl.MP.No.3031 of 2022

Crl.MP.No.3031 of 2022
in
Crl.OP.No.3531 of 2022

T.V.THAMILSELVI,J.

The present petition has been filed to modify the conditions imposed on the petitioner in Para 5(d) of the order and also modify the prison in which the petitioner is undergoing imprisonment from Central Prison to Salem to Central Prison, Tiruchirapalli by order dated 25.02.2022 passed by this Court in Crl.O.P.No.3541 of 2022 while granting anticipatory bail.

2. The learned counsel for the petitioner has submitted that the condition imposed on the petitioner is that the petitioner should deposit Original Settlement Deed dated 23.01.2015 that he annexed along with the petition, which stands in the name of the petitioner and the Original Copy of the Settlement deed along with the undertaking that he will not encumber the property on the file of the learned Judicial Magistrate No.6, Salem has to be modified as the said original settlement deed is already deposited in the Bank while obtaining the loan in the Indian Bank, Theevattipatti Branch for a sum of Rs.20,00,000/-. Learned counsel for the petitioner further submits



that the petitioner is unable to produce the original settlement deed as the same has been deposited in the Bank and he is ready to file an undertaking affidavit that he will not encumber the property.

3. Learned Government (Crl.Side) states that it is a case of job racketing and if the petitioner is released without any security, the amount availed by him cannot be recovered. He further submits that the property mentioned in the settlement deed is worth about Rs.42,75,000/- and by mortgaging the same, the petitioner availed a sum of Rs.20,00,000/- only as loan and therefore the petitioner may encumber the property apart from the said loan.

4. Considering the facts and circumstances of the case, this Court is inclined to modify the condition with regard to the Paragraph No.5 (d) to the effect that "the petitioner shall produce certified copy of the settlement deed dated 23.01.2015 along with an undertaking that he will not encumber the said property in future till the issue is resolved between the parties before the Judicial Magistrate VI, Salem." apart from the said bank loan.

5. Learned counsel for the petitioner submitted that the petitioner is



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now undergoing imprisonment in Central Prison, Trichy and a copy of this order may be sent to the said prison. Therefore, the factum of the petitioner undergoing imprisonment in Central Prison, Tiruchirapalli is recorded.

6. Except the above modification, all other conditions imposed by this Court in its order dated 25.02.2022 in Crl.OP.No.3541 of 2022 shall stand unaltered.

7. With the above modification, this Criminal Original Petition is allowed.

Vv

10.03.2022

T.V.THAMILSELVI,J.



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Vv

T0,

1. The Judicial Magistrate VI,
Salem.
2. The Deputy Superintendent of Police,
District Crime Branch, Salem Branch
3. The Central Prison,
Salem,
4. The Central Prison,
Trichirapalli.
5. The Public Prosecutor,
HighCourt, Madras.

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