



Crl.O.P.No.22333 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.22333 of 2022

B.Karthikeyan

... Petitioner

Vs.

The State Represented by,
The Superintendent of Police
SPE:CBI:ACB,
Chennai.
(RC No.322020A0006)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to modify the bail condition No.2 and 4 alone in the order dated
07.09.2022 made in Crl.M.P.No.6423 of 2022 in C.C.No.16 of 2022 passed
by the Court of IX Additional Special Judge for CBI Cases, Chennai.

For Petitioner : Mr.A.Prakash

For Respondent : Mr.Srinivasan
Special Public Prosecutor for CBI



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ORDER

This petition has been filed to modify the condition imposed on the petitioner in CrI.M.P.No.6423 of 2022 in C.C.No.16 of 2022 passed by the Court of IX Additional Special Judge for CBI Cases, Chennai.

2. The learned counsel for the petitioner would submit that the petitioner, who was arrayed as A27 in C.C.No.16 of 2022 has been granted with bail by the learned IX Additional Special Judge for CBI Cases, Chennai in CrI.M.P.No.6423 of 2022 dated 07.09.2022 with certain conditions viz.,

"1. on him executing a bond for Rs.10,000/- with two sureties for the like sum who must be his blood relative

2. he shall deposit before this Court, a sum of Rs.19,50,000/- which amount he allegedly benefitted out of the swindled amount and

4. Further, the petitioner/A27 shall not leave Chennai City limits, until further orders."

Since, he is unable to comply with certain conditions, he is unable to come out despite the bail being granted to the petitioner on 07.09.2022.



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3. The learned counsel for the petitioner would further submit that in respect of the condition No.(1), other than the brother of the petitioner, he does not have any blood relative and he would submit that the petitioner's brother and wife are ready to stand as sureties to him. He would further submit that with regard to the condition No. (2), the petitioner's relatives are unable to raise the huge amount of Rs.19,50,000/- immediately, however, the petitioner to show his bonafide, is prepared to deposit an amount of Rs.5,00,000/- at the time of furnishing the sureties and he undertakes to deposit the remaining amount in monthly instalments viz., a sum of Rs.5,00,000/- each in the following two months and the balance amount of Rs.4,50,000/- in the month thereafter.

4. The learned counsel would further submit that with regard to the condition No. (4), the petitioner finds it difficult to find a house in Chennai and thereby, he seeks for modification that he will stay outside Chennai and appear before the Court on all hearing dates. Hence seeks for modification of the condition.



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5. Mr.Srinivasan, learned Special Public Prosecutor for CBI appearing for the respondent would submit that the total amount cheated by the accused is Rs.99,50,000/- and the share of the present petitioner/A27 is about Rs.19,50,000/-. He would further submit that with great difficulty, the respondent has secured the accused and he does not have permanent residence and he was in the habit of changing his residence. Therefore, he oppose to modify the bail conditions.

6. In view of the above, the conditions (1), (2) imposed by the trial Court are modified as follows and the condition (4) shall stands relaxed, however, it is made clear that the petitioner shall appear before the Court in compliance with the Condition (3) and all the other conditions are remain unaltered.

"1. on executing a bond for Rs.10,000/- with two sureties, out of which one shall be the blood surety and the other shall be the wife of the petitioner;

2. the petitioner shall deposit a sum of Rs.5,00,000/- at the time furnishing the sureties, a sum



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of Rs.5,00,000/- on or before 17.11.2022 and a sum of Rs.5,00,000/- on or before 16.12.2022 and the balance amount of Rs.4,50,000/- on or before 11.01.2023 before this Court and no extension of time will be granted."

7. Further, the petitioner shall furnish his residential address and in the event of changing the address, he shall intimate it to the respondent . In the event of the petitioner, failing to deposit the amount as per the undertaking, the learned trial Court shall remand him to custody. With the above modifications, this Criminal Original petition stands allowed.

13.10.2022

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Note : Issue Order Copy Today (13.10.2022)

To

1. The IX Additional Special Judge for CBI Cases,
Chennai.
2. The Superintendent of Police,
SPE:CBI:ACB,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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