



WEB COPY

Crl.M.P.No.15262 of 2022 in
Crl.O.P.No.16848 of 2022

G.K.ILANTHIRAIYAN, J.

This petition has been filed to modify the condition imposed in Para 18 of the order dated 23.08.2022 passed in Crl.O.P.No.16848 of 2022, that the petitioner shall deposit the immovable property stands in the name of the petitioner or in the name of his friends or relatives, not less than worth of Rs.2,50,00,000/- (Rupees Two Crores and Fifty Lakhs only).

2. Heard both sides.

3. This Court granted bail to the petitioner by an order dated 23.08.2022, in Crl.O.P.No.16848 of 2022, on the following conditions,

“18. Accordingly, the petitioner shall deposit the immovable property stands in the name of the petitioner or in name of his friends or relatives, not less than worth of Rs.2,50,00,000/- (Rupees Two Crores and Fifty Lakhs Only) along with the valuation certificate obtained from the authority concerned and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Chennai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or



WEB COPY



witness either during investigation or trial.

*[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.*

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC."

4. Mr.P.Sidharthan, learned Special Public Prosecutor of ED cases would submit that the Will executed by the petitioner's grand father was produced before the Court below. However, it was not accepted, since the testator is very much alive.

5. The learned counsel for the petitioner would submit that the petitioner is aged about 30 years and he does not own any property. However, nobody is willing to give any property as security as per the condition imposed by this Court while granting bail. The petitioner is still in incarceration from the date of his arrest, viz.13.06.2022. Though, this Court granted bail, the petitioner could not able to come out, since he could not comply the conditions as imposed by this Court. He further submitted that the testator died and the property is situated at Delhi and therefore it does not require any probate. Except the said property, he does not own any other property. However, he is ready and willing to deposit reasonable amount instead of property, as imposed by this Court. He also submitted that if the amount is reduced, he would be able to comply with the conditions as imposed by this Court.



WEB COPY

6. Considering the submissions made by the learned counsel for the petitioner, the condition imposed as against the petitioner in CrI.O.P.No.16848 of 2022 dated 23.08.2022, is modified to the effect as follows,

“Accordingly, the petitioner shall deposit a sum of Rs.1,75,00,000/- (Rupees One Crore and Seventy Five Lakhs only), without prejudice to his right of defence, to the credit of F.No.ECIR/CEZO-I/14/2017, within a period of two weeks from the date on which the order copy made ready and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Chennai and on further conditions that”

The other conditions shall remain intact.

10.10.2022

mn



WEB COPY



G.K.ILANTHIRAIYAN, J.

mn

Crl.M.P.No.15262 of 2022 in
Crl.O.P.No.16848 of 2022

10.10.2022