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Crl.M.P.No.15789 of 2022 in
Crl.O.P.No.23982 of 2022

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A.D.JAGADISH CHANDIRA,J.

This Criminal Miscellaneous Petition has been filed to modify the onerous condition of the order passed by this court in Crl.O.P.No.23982 of 2022 dated 11.10.2022 that the petitioner shall deposit a original title deed of an immovable property worth Rs.25,00,000/-(Rupees Twenty Five Lakhs) at the time of furnishing the sureties.

2. The learned counsel for the petitioner would submit that this Court had granted bail to the petitioner by an order dated 11.10.2022 in Crl.O.P.No.23982 of 2022 with the condition that the petitioner shall deposit original title deed of an immovable property worth Rs.25,00,000/-(Rupees Twenty Five Lakhs). He would further submit that the petitioner does not have any property in his name and the property in the name of his wife has also been mortgaged by him and if only the petitioner comes out on bail, he will be able to pay back the loan and take the document and deposit it before the Court. He would further pray that 30 days time may be granted and the condition may be modified. He would also submit that in the event of petitioner not being able to



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deposit the title deed property belonging to his wife, he is ready to deposit documents either belonging to his friends or relatives.

3.In view of the above, the condition No. 8 imposed by this Court is modified as follows:-

“8. Accordingly, 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tambaram**, and on further conditions that:

[a] the petitioner shall deposit the original title deeds of immovable property worth Rs.25,00,000/- either belonging to his wife, friends or relatives within 30 days after coming out on bail. In the event of petitioner not depositing the title deeds within 30 days, learned Magistrate shall secure and remand him into the custody;

[b] 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;



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[c] the petitioner shall report before the respondent police, everyday at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]**;

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

4. With the above modification, this Criminal Miscellaneous Petition is ordered.

19.10.2022

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Note: Issue order copy on 19.10.2022



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