



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Eighth day of September Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.10095 of 2022

IN

CRL OP(MD) No.9624 of 2022

BASANT LAL SHARMA

... PETITIONER/PETITIONER/ ACCUSED NO.3

Vs

STATE REP.BY

THE JOINT DIRECTOR OF POLICE,

CENTRAL BUREAU OF INVESTIGATION(EOW BRANCH),

III FLOOR, EVK SAMPATH BUILDING,

COLLEGE ROAD,CHENNAI

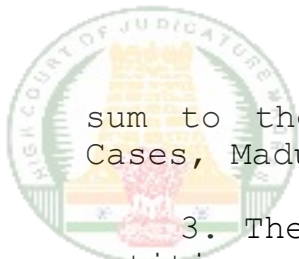
(CRIME NO.RCO692018E0008) ... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify one of the condition to deposit a sum of Rs.1,25,000/- (Rupees One Crore and Twenty Five Lakhs Only) in the order passed in Crl.OP (MD)No.9624/2022 by order dated 29/06/2022.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.C.S.SARVANAN, Advocate for the petitioner and of DR.M.D.POORNACHARI, Special Public Prosecutor for CBI Cases on behalf of the Respondent the court made the following order:-

The above petition has been filed seeking orders to modify the condition imposed by this Court in Crl.O.P.(MD)No.9624 of 2022 dated 29.06.2022 directing the petitioner to deposit a sum of Rs.1,25,00,000/-.

2. It is evident from the records that the petitioner has filed an application for bail in Crl.O.P.(MD)No.9624 of 2022 and this Court while granting bail has imposed a condition, on the basis of the undertaking given by the petitioner's side, directing the petitioner to deposit a sum of Rs.1,25,00,000/- and on such deposit, the petitioner was ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/- with two sureties each for a like



sum to the satisfaction of the Special Court for the T Cases, Madurai.

3. The learned counsel for the petitioner would submit that the petitioner had tried various sources to mobilize the fund, but as the sum is a huge amount of Rs.1,25,00,000/-, he was unable to mobilize such a huge amount and that therefore, he was constrained to file the above application seeking modification of the impugned condition.

4. As rightly pointed out by the learned Special Public Prosecutor for CBI cases, at the time of enquiry in the bail application, the learned counsel for the petitioner submitted that the petitioner was ready to deposit the amount as directed by this Court and also gave an undertaking to deposit the amount which was directed to be deposited by the co-accused by this Court and on the basis of the said undertaking given on behalf of the petitioner, this Court has imposed the impugned condition.

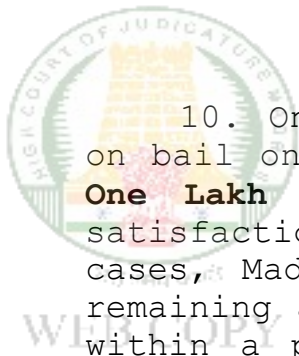
5. It is pertinent to note that this Court while granting bail to the accused 3 and 4 in CrI.O.P.(MD)No.9790 of 2021, on the basis of the undertaking affidavit filed by the accused 3 and 4, this Court has directed the said accused to pay a sum of Rs.50,00,000/- to the committee account on or before the 5th day of every English calendar month, for a period of four months starting from October 2021 till January 2022.

6. As rightly contended by the learned Special Public Prosecutor for CBI cases, undertaking was given on behalf of the petitioner that he is ready to deposit the entire amount of Rs.1,25,00,000/- within a time stipulated by this Court, but now, they have come forward with the above application claiming five installments as granted to the other accused.

7. At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to deposit Rs.50,00,000/- within a period of four weeks and thereafter deposit the remaining amount within a period of two months time.

8. Considering the above facts and circumstances and also taking note of the time granted to the co-accused, this Court is inclined to modify the condition.

9. In the result, this Criminal Miscellaneous Petition is allowed. Accordingly, the petitioner shall deposit a sum of **Rs.50,00,000/- (Rupees Fifty Lakhs only)** without prejudice to his rights and contentions before the trial Court concerned within a period of four weeks from the date of receipt of a copy of this order.



10. On such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties each for a like sum to the satisfaction of the learned Judge, Special Court for the TNPID Act cases, Madurai, and thereafter, the petitioner shall deposit the remaining amount of **Rs.75,00,000/- (Rupees Seventy Five Lakhs only)** within a period of two months, after coming out on bail and the other conditions shall stand remain unaltered.

sd/-

08/09/2022

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/09/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE,
SPECIAL COURT UNDER THE TAMIL NADU
PROTECTION OF INTERESTS OF DEPOSITORS (IN
FINANCIAL ESTABLISHMENTS) ACT 1997, MADURAI.
- 2 THE JOINT DIRECTOR OF POLICE
CENTRAL BUREAU OF INVESTIGATION(EOW BRANCH),
III FLOOR, EVK SAMPATH BUILDING,
COLLEGE ROAD, CHENNAI
- 3 THE SUPERINTENDENT
CENTRAL PRISON, GWALIOR, MADHYA PRADESH.
- 4 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.S.SARVANAN, Advocate (SR-9790[I] dated 08/09/2022)

ORDER

IN

CRL MP(MD) No.10095 of 2022

IN

CRL OP(MD) No.9624 of 2022

Date :08/09/2022

csm

PKP/SVR/SAR-1/14.09.2022/3P/6C