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Crl.M.P.No.3351 of 2023
in
Crl.O.P.No.19422 of 2022

A.D.JAGADISH CHANDIRA.,J.

This petition has been filed to modify the condition as to direct the petitioner to deposit a sum of Rs.25,00,000/- as non refundable deposit to the credit of Crime No.90 of 2022 within a period of four weeks from the date on which the order copy made ready, which is imposed on Crl.M.P.No.15269 of 2022 dated 10.10.2022.

2.The learned counsel for the petitioner submitted that the petitioner is an accused in Cr.No.90 of 2022 registered by the respondent Police for the offence under Sections 468, 471, 420 of IPC r/w Section 34 of IPC. The petitioner had earlier approached this Court seeking for anticipatory bail in Crl.O.P.No.19422 of 2022 and this Court, while granting anticipatory bail to the petitioner, had imposed a condition that the petitioner shall deposit the original title deeds stands in the name of the petitioner or his friends or relatives, not below the value of Rs.1 crore along with valuation certificate obtained from the authority concerned to the credit of Crime No.90 of 2022 before the concerned Court within a period of four



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weeks from the date on which the order copy made ready. Subsequently, since the petitioner was unable to comply with the conditions, he has filed an application seeking for modification of the condition in Crl.M.P.No.15269 of 2022 and this Court, by order dated 10.10.2022, was pleased to modify the condition directing the petitioner to deposit a sum of Rs.25 lakhs as non refundable deposit to the credit of Crime No.90 of 2022 within a period of four weeks from the date on which the order copy made ready. Thereafter, since the petitioner was unable to mobilize the funds, he had approached the Hon'ble Supreme Court in S.L.P.No.11399 of 2022 and the Hon'ble Supreme Court, while refusing to interfere with the impugned judgment and order passed by the High Court, had dismissed the petition and directed the petitioner to deposit a sum of Rs.25,00,000/- as directed by the High Court by extending a further period of four weeks. He would further submit that the fact remains that the petitioner even prior to the filing of the anticipatory bail petition, on receipt of summons, had appeared before the respondent and also issued four(4) cheques for a sum of Rs.15 lakhs on 18.07.2022 and this fact was not brought to the knowledge of this Court at the time of arguing the anticipatory bail petition and also at the time of modification of the conditions and also at the time of arguing the Special



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Leave to Appeal before the Hon'ble Supreme Court. He would further submit that if this fact had been brought to the notice of this Court, such order of imposition of condition could not have been passed by this Court and thereby, the present petition has been filed seeking for modification of condition.

3.The learned Public Prosecutor (Pondicherry) would submit that other than change of counsel, there is no change in circumstances in this case. He would further submit that this Court, after hearing detailed arguments and submissions made by the petitioner, had passed an order granting anticipatory bail to the petitioner with a condition to deposit the original title deeds of immovable property not below the value of Rs.1 crore. Subsequently, the petitioner has also filed a petition seeking for modification of the condition in CrI.M.P.No.15269 of 2022 and even at that time, the petitioner had not made any submission about issuance of cheque and thereby, this Court had directed the petitioner to deposit Rs.25 lakhs. Thereafter, against the order passed by this Court in CrI.M.P.No.15269 of 2022 dated 10.10.2022, the petitioner has also approached the Hon'ble Supreme Court and even there also, the fact was not urged. The Hon'ble



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Supreme Court after hearing the petitioner, dismissed the SLP and granted further period of four weeks time to comply with the condition imposed by the High Court in Crl.M.P.No.15269 of 2022 and also held that no further extension of time shall be granted. While so, this petition has been filed only to circumvent the orders of Court and delay the process. He would further submit that the time granted by the Hon'ble Apex Court for deposit of the amount has also lapsed.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor (Pondicherry) for the respondent and perused the entire materials available on record.

5. This Court finds no substance in the petition and it has been filed only to delay the process. Further the Hon'ble Apex Court, while dismissing the SLP on 30.01.2023, had extended the time to deposit Rs.25,00,000/- by a further period of four weeks and had also stated that no further time shall be granted. The petitioner, without complying with the condition, has come on a second round of litigation. Thereby, this Court is not inclined to modify the condition imposed on the petitioner.



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6. Hence, this Criminal Miscellaneous Petition is dismissed.

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