



Crl.M.P.No.7630 of 2023 in Crl.A.No.709 of 2021

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D.BHARATHA CHAKRAVARTHY. J.,

This is an application filed to modify the condition imposed by this Court in Crl.M.P.No.14275 of 2021 in Crl.A.No.709 of 2021, dated 26.08.2022 whereby the petitioner, namely, *Karthika* was directed to deposit a sum of Rs.10 Lakhs, before being released from prison. After being released, she was also directed to deposit the second installment of Rs.10 Lakhs, within a period of three months from the date of release.

2.*Mr.N.Vignesh*, learned Counsel appearing on behalf of the petitioner would submit that inspite of the order of bail being granted by this Court, as she has no wherewithal to pay till date and the third petitioner/*Karthika* languishes in jail. As a matter of fact, she is having two tender children, who also happen to reside within the jail premises. She is in jail almost for a period of two years. He would submit that if the condition for depositing of Rs.10 Lakhs upfront is modified by reducing into a sum of Rs.5 Lakhs, she will be able to comply with the condition and come out and also make an effort to comply with other condition of



depositing another sum of Rs.10 Lakhs.

3.Per contra, the learned Government Advocate (Criminal Side) would submit that in this case, out of the total fine amount, the amount payable by the third petitioner/*Karthika* works out to Rs.82,80,000/-. Already, only by showing leniency, she was directed to deposit a sum of Rs.10 Lakhs upfront and another sum of Rs.10 Lakhs after the release. That itself is only 25% of the total fine amount. This apart, in this case, even though the depositors were cheated, absolutely no immovable property whatsoever was attached except few two-wheelers and movable properties. The hapless depositors have not realized anything till date, therefore, this is not a fit case to show any indulgence.

4.I have considered the rival submissions made on behalf of both sides and perused the material records of the case.

5.As rightly contended by the learned Government Advocate (Criminal Side), this Court already showed leniency while imposing the condition to deposit Rs.10 Lakhs upfront and another sum of Rs.10 Lakhs,



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within a period of three months from the date of release. However, it could be seen that inspite of the efflux of almost eight months time from the grant of the bail, the petitioner is unable to comply with the condition and thereby she is suffering incarceration. Only, in that view of the matter, I am agreeing with the learned Counsel appearing for the petitioner that this is a case of genuine difficulty, where she could not muster a sum of Rs.10 Lakhs upfront, therefore, since it is prayed that the sum of Rs.10 Lakhs may be reduced to that of Rs.5 Lakhs, I am inclined to modify the same. However, the modification is on condition that there will not be any further modification or extension of time in respect of the other amount to be payable, within a period of three months from the date of release.

6.In the result, the Criminal Miscellaneous Petition in Crl.M.P.No.7630 of 2023 in Crl.A.No.709 of 2021 stands allowed;

(i) The condition imposed by this Court in the order dated 26.08.2022 in Crl.M.P.No.14275 of 2021 in paragraph No.5 Clause (a) shall stand modified to the effect that the petitioner/A3 shall deposit a sum of Rs.5 Lakhs to the credit of C.C.No.3 of 2014 on the file of the Learned Special Judge, Special Court under TNPID (in Financial Establishment)



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Act, at Coimbatore;

(ii) Similarly, paragraph No.5 Clause (c) shall also be read as, “On such deposit of the sum of Rs.5 Lakhs and on the execution of bond for a sum of Rs.25,000/- with two sureties each for a like sum to the satisfaction of the Trial Court, the sentence of the petitioner/A3 shall stand suspended and the petitioner/A3 shall be enlarged on bail.”

02.06.2023

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Note : Issue order copy on 05.06.2023



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