



CRL.O.P.No.10883 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

CRL.O.P.No.10883 of 2023

John Prabakar

... Petitioner

Vs.

The State Represented by,  
The Additional Superintendent of Police,  
C.B.I, E.O.W, Shastri Bhavan,  
Chennai.

... Respondent

**Prayer :-** Criminal Original Petition filed under Section 432 Cr.P.C.,  
praying to modify the order dated 20.04.2023 in CrI.M.P.No.461 of 2023  
made by the II Additional District Judge, (CBI Cases), Coimbatore.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.K.Srinivasan  
Special Public Prosecutor (CBI)

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### **ORDER**

The petitioner seeks modification of the condition No.5  
imposed by the learned II Additional District Judge, (CBI Cases),  
Coimbatore in CrI.M.P.No.461 of 2023 dated 20.04.2022, when he sought  
permission from the trial court to travel abroad.



2. The learned counsel for the petitioner submits that the 5<sup>th</sup> condition of the order dated 20.04.2023 is onerous and practically dismisses the petitioner's prayer for travelling abroad. The aforesaid 5<sup>th</sup> condition of the order dated 20.04.2023, which reads as follows:-

*“the petitioner shall furnish a Bank Guarantee to the tune of Rs.50 lakhs before this Court and it is hereby made clear that the petitioner shall file the Special Affidavit incorporating the above factors and also a Bank Guarantee as stipulated by this Court in proper form”.*

3. The learned counsel for the petitioner would further submit that earlier, the respondent seized an amount of Rs.25 lakhs from the petitioner and now it is in custody of the respondent police. He further submitted that the petitioner would not abscond and would return to India on or before 20.06.2023 as per the undertaking given by him.

4. The learned Special Public Prosecutor (CBI) appearing for the respondent would submit that the other conditions are required to ensure that the petitioner does not abscond and he is available for trial. Hence, he prayed for dismissal of this petition.



CRL.O.P.No.10883 of 2023

5. Earlier, this Court had passed an order in Crl.M.P.No.14415 of 2022 in Crl.O.P.No.24216 of 2018, directing the passport authority to renew the petitioner's passport for a period of two years and further directed to surrender the passport before the trial Court and seek permission of the trial Court, whenever the petitioner intends to leave the Country.

6. This Court finds that the 5<sup>th</sup> condition imposed by the trial Court in such circumstances is onerous and is liable to be set aside. The other conditions imposed by the Trial Court shall remain intact. In addition the petitioner shall furnish his contact details in the affidavit filed by him along with other details stated in condition No.1. Further the travel period is modified to the effect that the **petitioner shall travel abroad from 20.05.2023 to 20.07.2023.**

7. With the above modification, this Criminal Original Petition is allowed. No costs.

10.05.2023

Internet : Yes/No  
Index : Yes/No  
Speaking/Non speaking order  
ssi/kmi



CRL.O.P.No.10883 of 2023

To

WEB COPY

1. The II Additional District Judge, (CBI Cases), Coimbatore
2. The Additional Superintendent of Police,  
C.B.I, E.O.W, Shastri Bhavan,  
Chennai.
3. The Public Prosecutor,  
High Court of Madras, Chennai.



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CRL.O.P.No.10883 of 2023

**SUNDER MOHAN,J.,**

ssi

CRL.O.P.No.10883 of 2023

10.05.2023