



Crl.M.P.No.14198 of 2023
in Crl.O.P.No.23208 of 2022
and Crl.O.P.No.23208 of 2022

A.D.JAGADISH CHANDIRA, J.

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This Criminal Miscellaneous Petition has been filed by the petitioner to modify the condition imposed on him by this Court in Crl.O.P.No.23208 of 2022 vide order dated 30.09.2022.

2. It is submitted by the learned counsel for the petitioner that the petitioner is an accused in Crime No.102 of 2022 and he was arrested and remanded to judicial custody on 18.08.2022 and on the voluntary submission made by the petitioner that without prejudice to his defense, he is ready to deposit Rs.16 lakhs, which he had received in the transaction, to the credit of crime No.102 of 2022 or directly to the victims, this Court had granted bail to the petitioner on 30.09.2022. Thereafter, on the undertaking given by him, the petitioner has so far paid a sum of Rs.14 lakhs to the *defacto* complainant. Further, due to the illness and hospitalization, the petitioner was unable to raise an additional fund of Rs.2 lakhs and thereby, the present petition has been filed to modify the condition.

3. Learned counsel for the petitioner further submitted that the petitioner had only made a voluntary submission and it is to be noted that the petitioner was in custody for about 40 days and only to purchase peace, the petitioner had offered to pay the amount. She also submitted that the petitioner has not committed any offence as alleged by the prosecution and he is also ready to face the charges during trial. Thereby, she seek for modification of condition.



4. Learned Government Advocate (Crl.Side) submitted that the accused,

by impersonation and fabrication of documents have sold the lands belonging to one Ganesh Kumar, who is an NRI and cheated him. He further submitted that during the course of investigation, it came to light that, A1 and A2 are victims and they were also cheated by the accused and thereby, A1 and A2 have been shown as witnesses in this case. He further submitted that the petitioner had given an undertaking to repay a sum of Rs.16 lakhs and so far, has repaid only a sum of Rs.14 lakhs. He also submitted that investigation in this case is completed and the case has been taken up in C.C.No.5124 of 2023 pending on the file of the CCB-CBCID Court, Egmore, Chennai.

5. Mr.John, learned counsel representing Mr.Infant Dinesh, learned counsel for the intervenor submitted that the petitioner had given an undertaking to repay a sum of Rs.16 lakhs at the time of granting bail, whereas, he has repaid only a sum of Rs.14 lakhs and the remaining sum of Rs.2 lakhs is yet to be repaid.

6. It is seen that the petitioner was arrested and remanded to judicial custody on 18.08.2022 and this Court has granted an interim bail on 30.09.2022, based on an undertaking given by the petitioner that without prejudice to his defence, he would repay a sum of Rs.16 lakhs to the *defacto* complainant. Based on which, the petitioner has repaid a sum of Rs.14 lakhs and now it is reported that due to his hospitalization, he was unable to mobilize the remaining sum Rs.2 lakhs.



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7. Taking into consideration the facts and the submissions and also taking note of the fact that the petitioner has repaid a major amount of Rs.14 lakhs, this Court is inclined to modify the condition. Thereby, the condition imposed on the petitioner to repay a sum of Rs.16 lakhs is modified to Rs.14 lakhs.

8. Accordingly, the Criminal Miscellaneous Petition is ordered. Consequently, the interim bail granted by this Court on 30.09.2022 in CrI.O.P.No.23208 of 2022, is hereby made absolute.

07.09.2023

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