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Crl.M.P.No.13068 of 2024
in Crl.O.P.No.1645 of 2021

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A.D.JAGADISH CHANDIRA, J.

This petition has been filed seeking to modify the condition imposed in 8(b) passed in Crl.O.P.No1645 of 2024, dated 16.02.2021.

2.Mr.A.Nagarajan, learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2 in Crime No.453 of 2017 registered by the respondent for offence U/s.406, 420, 506(i) I.P.C. The petitioner was arrested on 01.01.2021. Thereafter, the petitioner had moved an application for bail in Crl.O.P.No.1645 of 2021 and this Court, after a period of 49 days of arrest, granted bail to the petitioner on 16.02.2021 with a condition to deposit an amount of Rs.3 crores and also directing the petitioner to deposit the title deed of an immovable property to the tune of Rs.3 crores at the time of executing the sureties. After compliance of the condition, the petitioner was directed to be released on bail on 20.02.2021. The learned counsel would further submit that the respondent has completed investigation and filed the final report before the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases



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(Relating to Cheating Cases in Chennai), and CBCID Metro Cases, Egmore, Chennai 600 008. The case is now pending trial in C.C.No.186 of 2022. As on date, trial has commenced and P.W.1 has been examined in chief. Whiles, one of the sureties viz. Ilayaraja, who stood as surety and offered his title deed of the property worth Rs.3 crores, is now insisting the petitioner to return the document. He would submit that the condition imposed was to ensure the presence of the petitioner. The learned counsel submitted that though the condition imposed was onerous to come out on bail, the petitioner has complied with the conditions imposed. He would submit that the surety asked for return of the property documents, thereby the petitioner had filed a petition seeking for modification of the condition. He would also submit that meanwhile the surety himself has filed an application before the Court concerned in Crl.M.P.No.48022 of 2024 seeking for return of the document deposited before the Court and the learned Judge had released the document, however, with a direction to the petitioner to produce a new surety for the same. He would submit that the petitioner, despite his earnest efforts, is unable to get a friend or relative to deposit a document worth Rs.3 crores.



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He would submit that if the condition imposed in 8(b) is not modified, the petitioner will be put to great hardship. He would submit that the petitioner is ready and willing to furnish alternate surety for an amount of Rs.10,000/- or more and thereby he would seek for modification of the said condition 8(b).

3.Learned Government Advocate (Crl. Side) would submit that investigation has been completed and the case is pending trial in C.C.No.186 of 2022 and P.W.1 has been examined in chief and the case now stands posted on 06.12.2024 for further trial. He would further submit that the amount cheated in this case is Rs.45 crores and the allegation against the petitioner is that he has cheated an amount of Rs.6.83 crores.

4.Mr.S.Manuraj, learned counsel appearing for the intervenor / defacto complainant would submit that the total amount cheated in this case is Rs.45 crores and the allegation in respect of the petitioner is that he has received an amount of Rs.6.83 crores. This Court, taking into



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consideration the amount cheated and also considering that the petitioner did not have any substantial explanation for receipt of the amount, had insisted the petitioner to deposit the cash of Rs.3 crores and also directed him to deposit the document of an immovable property worth Rs.3 crores. He would submit that if, at this stage, the condition imposed on the petitioner is modified, it would cause great prejudice to the defacto complainant. He would also seek leave of the Court to direct the trial Court to release the deposited amount of Rs.3 crores in favour of the intervenor / defacto complainant.

5.Heard learned counsel for the petitioner and the intervenor / defacto complainant.

6.It is seen that the petitioner was directed to be released after a period of 49 days. This Court has imposed two conditions, one is to deposit a cash of Rs.3 crores and the other condition was to deposit a title deed of an immovable property to the tune of Rs.3 crores at the time of executing the sureties. Now, investigation has been completed and the



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case now stands posted for trial. This Court is of the opinion that at this stage, the condition directing the petitioner to deposit title deed of a property to the tune of Rs.3 crores is not required, thereby the condition 8(b) stands deleted, instead the petitioner shall produce another surety for an amount of Rs.50,000/-. Further, the learned Magistrate is directed to re-deposit the amount of Rs.3 crores pending on its file, which has been deposited by the petitioner to any interest bearing fixed deposit scheme in any one of the nationalized banks and the disbursement of the same shall be decided after conclusion of trial.

21.11.2024

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