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CRL.O.P.No.22878 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2024

CORAM : MR. JUSTICE N.SESHASAYEE

CRL.O.P.No.22878 of 2024

Dhananjaya

... Petitioner

Vs.

The State represented by
The Inspector of Police
Central Bureau of Investigation
Anti Corruption Branch, Chennai
(Crime No.RC 032 2022 A 0005 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS Act, 2023, to modify the condition imposed upon the petitioner as the petitioner shall report before the nearest police station of his residence at Bengaluru or Sub Court at Hosur instead of the petitioner shall report before the respondent police, everyday at 10.00 a.m. until further orders.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (C.B.I.)

ORDER



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The petitioner herein has moved this petition seeking a modification of a certain condition imposed by the trial Court while granting bail to the petitioner in CrI.M.P.No.22978 of 2024.

2.The learned counsel for the petitioner submitted that one of the conditions imposed by the trial Court while granting bail to the petitioner is to deposit Rs.10 lakhs before the Court, and he seeks modification of the same. This apart, the trial court has directed the petitioner to appear and sign before the respondent police daily at 10.00 a.m.

3.Counter has been filed. The prosecution has alleged that the petitioner herein is being prosecuted on an allegation that he promised to secure employment for three different individuals in the South Western Railway and had received around Rs.36 lakhs from them. This resulted in registration of three separate F.I.Rs against the petitioner. The further details are:

- Since then the investigating agency could not secure the presence of the petitioner despite issuing notices U/s.91 and 41(A) Cr.P.C, it was evident that he had planned to evade the legal process of this Court. It is in these circumstances, the petitioner had approached this Court



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with Crl.O.P.No.19607 of 2022. This Court allowed it, but inter alia on the condition that the petitioner needs to deposit a sum of Rs.14 lakhs.

- As the petitioner could not mobilize the requisite funds, he approached the Hon'ble Supreme Court in S.L.P.No.10370 of 2022, and the Hon'ble Supreme Court eventually remanded the matter to the trial Court.
- The respondent, thereafter, secured the custody of the petitioner. The petitioner, therefore, moved the trial Court with Crl.M.P.No.43248 of 2024 and that came to be dismissed vide order dated 01.08.2024. Thereafter, the petitioner moved the Principal District Court a second time with Crl.M.P.No.22051 of 2024 and that also came to be dismissed on 12.08.2024.
- Not losing his hope, the petitioner approached the same Court again with Crl.M.P.No.22978 of 2024 for bail, and this time he was



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successful in securing bail. The trial Court required the petitioner to execute a bond for Rs.50,000/- with two sureties and also required him to deposit Rs.10 lakhs, and that he should appear and sign before the respondent police at 10.00 a.m. every day. The Court has also indicated that in breach of any of the conditions imposed by it, the consequence spelt out in *Shaji Vs. State of Kerala* [(2005) AIR SCW 5560] will follow.

4.Mr.K.Srinivasan, the learned Special Public Prosecutor (C.B.I.) submitted that the petitioner had not complied any of the bail conditions imposed, and the attempt of the respondent to contact the petitioner cellphonically and otherwise is also defeated as a phone is continuously stated to be in switch off mode.

5.The learned counsel for the petitioner made a statement that even he could not contact his client for the same reason.

6.It is very apparent and evident that this petitioner has abused the judicial process of this Court in securing a bail, but utilized it to defeat the ends of



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law. He does not deserve neither courtesy nor mercy at law. The petition is accordingly dismissed. The respondent is now required to secure the petitioner in the manner known to law.

14.10.2024

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Index : Yes / No
Neutral Citation

To

1.The Inspector of Police
Central Bureau of Investigation
Anti Corruption Branch, Chennai
(Crime No.RC 032 2022 A 0005 of 2022)

2.The Public Prosecutor
C.B.I. Cases
High Court of Madras
Chennai

N.SESHASAYEE, J.

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