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Crl.O.P.No. 23807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR. JUSTICE **C.V.KARTHIKEYAN**

CRL.O.P.No.23807 of 2023

Shri K. Zakir Hussain

.. Petitioner

Vs.

The State Rep. by
The Superintendent of Police,
SPE/CBI/ACB/Chennai – 600 006,
(RC No.32/2020/A006 Dt. 31.07.2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 r/w 439(1) (9)of Cr.P.C. to call for the records relating to the case in Crl.M.P.No.10153 of 2022 dated 03.02.2023 in C.C.No.16 of 2022 on the file of Learned IX Additional Special Judge for CBI Cases, Chennai-600 104 and set aside and modify the bail condition directing the petitioner/Accused No.11 herein to deposit Rs.30,00,000/- (Rupees Thirty Lakhs Only) thereon and pass orders.

For Petitioner : Mr.G. Saravanan

For Respondent: Mr.K. Srinivasan
Special Public Prosecutor

ORDER



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Criminal Original Petition has been filed to call for the records relating to the case in Crl.M.P.No.10153 of 2022 dated 03.02.2023 in C.C.No.16 of 2022 on the file of Learned IX Additional Special Judge for CBI Cases, Chennai- 600 104 and set aside and modify the bail condition directing the petitioner/Accused No.11 herein to deposit Rs.30,00,000/- (Rupees Thirty Lakhs Only)

2. Originally, RC.No.32/2020/A006 had been registered by the Respondent/CBI on 31.07.2020 for the alleged offences under sections 120-B r/w 409,420,465,467,468,471,477-A of I.P.C and Section 13(2)(a) of the Prevention of Corruption Act, 1988(as amended in 2018). The petitioner was in judicial custody from 09.08.2021.

3. Thereafter, the petitioner was granted bail on a condition that the petitioner should deposit a sum of Rs.30,00,000/-. But the petitioner did not comply with the said condition. Thereafter, the Court was liberal and modified the condition to that the petitioner shall pay the amount in installments. The petitioner paid the first installment of Rs.5,00,000/- on 30.03.2023 and came out on bail. After coming out on bail, the balance



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amount has not been deposited. Now the application has been filed seeking modification of the said order, to modify the entire condition to deposit Rs.30,00,000/-. The only relief granted to the petitioner was to pay the said amount in installments. The petitioner lacks *bona fide* as had paid only the first installment only with an object to come out on bail and had been released on bail on 30.03.2023. After that for the past more than nine months, the petitioner has not paid any single rupee. Hence the modification application lacks *bona fide*.

6. This Criminal Original petition stand dismissed.

08.01.2024
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smn

To.

1. The IX Additional Special Judge for CBI Cases, Chennai-
2. The Superintendent of Police,
SPE/CBI/ACB/Chennai – 600 006,

C.V.KARTHIKEYAN, J.
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