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CrI.O.P.No. 26321 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.26321 of 2023

Shri K. Zakir Hussain

.. Petitioner

Vs.

The State Rep. by
The Assistant Director,
Directorate of Enforcement, 84, Greams Road,
Thousand Lights, Nungambakkam,
Chennai – 600 006,
(ECIR No. CEZO-I/40/2020/
Chennai -1 dated 10.12.2020)

... 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 CrI.M.P.No.1267 of 2023 dated 20.02.2023 in Spl.C.C.No.02 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.P. Sidharthan
Special Public Prosecutor



Crl.O.P.No. 26321 of 2023

WEB COPY

ORDER

Criminal Original Petition has been filed to to call for the records relating to the case in Crl.M.P.No.1267 of 2023 dated 20.02.2023 in Spl.C.C.No.02 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, 419, 420, 467 and 471 of I.P.C and Section 13 of the Prevention of Corruption Act, 1988. The petitioner was in judicial custody from 09.08.2021.

3. Thereafter, the petitioner was granted bail with a condition that the petitioner should deposit a sum of Rs.30,00,000/-. 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.7,50,000/- on



Crl.O.P.No. 26321 of 2023

WEB COPY

30.03.2023 and he was released on bail. After coming out on bail, the balance amount have not been deposited. Now the application has been filed seeking modification of the said order, to modify the entire condition amount to be deposited. The only relief granted to the petitioner was to pay the said amount in installments. The petitioner lacks *bona fide* as he paid only the first installment. He had been released on bail. After that for the past more than nine months, the petitioner has not paid any single rupee. The modification petition lacks *bona fide*.

6. This Criminal Original petition stand dismissed.

smn

08.01.2024
2/2

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.
smn



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CrI.O.P.No. 26321 of 2023

CrI.O.P.No.26321 of 2023

08.01.2024
2/2