

IN THE COURT OF IX ADDITIONAL SPECIAL JUDGE FOR CBI CASES,
CHENNAI.



PRESENT: THIRU.S.ISVARANE, M.A., LL.B.,
IX ADDITIONAL SPECIAL JUDGE FOR CBI CASES

Tuesday, the 20th day of June, 2023

Crl.M.P. No.4632 /2023
in
Spl.C.C.No.2/2022



J.Selvakumar, (M/36)
S/o late Mr.M.Jaganathan
Old No.27/2, New No.56,
Rangoon Street,
Chennai.

... Petitioner/Accused-5

-vs-

The Assistant Director,
The Directorate of Enforcement,
2nd and 3rd Floor, C Block, Murugesha
Naicker Complex,84, Greams Road,
Thousand Lights, Chennai.

... Respondent/Complainant

This petition came up on 13.06.2023 for final hearing before me in the presence of M/s. Sri law Associates, S.Ravi, G.Suresh Babu, B.Kavitha, N. Vishnuvardhan, V. Hemamalini, counsel for Petitioner/A5 and M/s. P. Sidharthan, Special Public Prosecutor/ Counsel for Respondent, and upon perusing the petition and other connected material papers thereto, and upon hearing their arguments this court delivered the following:

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ORDER

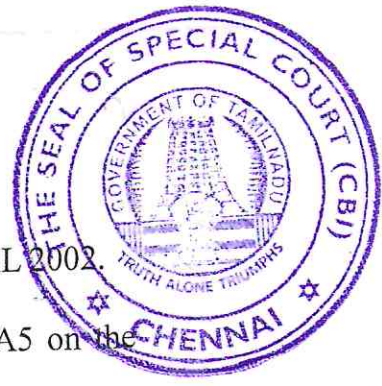
This is an application filed by Petitioner/A5 filed under Section 439 Cr.P.C r/w 45 of PMLA 2002 to enlarge him on bail.

2. Averments in the petition as follows:

(i) The Petitioner/Accused No.5 herein was arrested by CBI on 09.08.2021 vide FIR No.RC0322020A0006 dated 31.07.2020 and remanded to judicial custody for the offences punishable under Section 120-B, 419, 420, 409, 467, 468, 471 of Indian Penal Code. Since the offences under Sections 120-B, 420, 467 and 471 are scheduled offences under the Prevention of Money Laundering Act(PMLA), 2002, the Respondent/Enforcement Directorate had recorded an ECIR bearing No. CEZO-I/40/2020 dated 10.12.2020 and later arrested the Petitioner/A5 on 07.03.2022, while in Judicial Custody in CBI case.

(ii) The allegations in page 159 of the Prosecution complaint is that the Petitioner/A5 had collected the account details of 1st link beneficiaries through other accused and also withdrawn cash to handover the same to Manimozhi(A2) for commission. The Petitioner/A5 had also indulged in the act of money laundering by directly attempting to indulge and knowingly assisted and knowingly acted as a party actually involved in the process connected with the proceeds of crime including possession acquisition, or use of the same and thereby had alleged to have committed

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the offence under section 3 of PMLA and punishable under Section 4 of PMLA 2002.

(iii) The present bail application has been filed by the Petitioner/A5 on the basis of available materials on the file of the case including the complaint and other materials submitted to the Court by the Respondent /Complainant in support of the complaint/allegations.

(iv) The allegations levelled against the Petitioner/A5 are not proper and correct since it does not attract the ingredients of a prima facie case against the Petitioner/A5 for the offence under section 3 of PMLA 2002. The main allegations leveled against the Petitioner/A5 is nothing but imaginations and not supported by any material on record to substantiate the prima facie case.

(v) A plain reading of the complaint, especially the role alleged to be played by the Petitioner/A5 as referred in the complaint dated 04.05.2022 is that he collected the accounts details of 1st link beneficiaries through Mr. Vijay Herald (A7), Mr. M.Rajesh Singh (A8), S.Siyadh (A9), S.Afsar(A10) and Mr. V.S.Arumugham (A-12) to fraudulently transfer funds of Chennai Port Trust. Further, the Petitioner had withdrawn the cash from the newly opened current account in the name of Chennai Port Trust General Insurance Fund and subsequently handed over the same to Mr.Manimozhi (A2) and received Rs.30,00,000/- commission which was accepted by the Petitioner/A5 during the investigation. The respondent/complainant has already attached the properties of the Petitioner/A5 worth Rs.30,83,700/- vide PAO No.4 of

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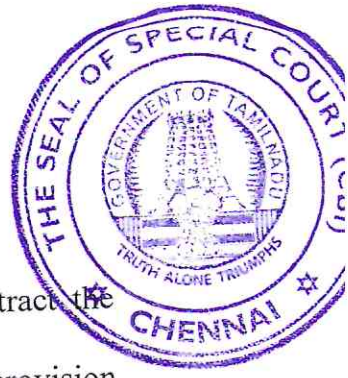
2021 dated 24.12.2021.

(vi) The above allegations are not relevant and substantive to attract the ingredients of Section 3 of the PMLA, to make him liable for the penal provision under Section 4 of the Act. The acts alleged to be committed by the Petitioner/A5 as specifically stated and submitted by the Respondent/Complainant in their complaint in page 159 are in no way connected to the proceeds of the Crime as contemplated in Section 3 of PMLA 2002.

(vii) The co-accused Mr.A.Shafiq Ahmed (A31) was granted bail by this Hon'ble Court on 04.03.2023 who have similar allegations/footing as that of Petitioner/A5. There are no allegations against the Petitioner/A5 to the effect that he has not co-operated with the investigation or evaded the process during investigation of the case.

(viii) The Petitioner/A5 is in jail from the date of his arrest i.e. on 09.08.2021 by CBI/Chennai in the schedule offence and further his arrest in the above ECIR by the Respondent/Complainant on 07.03.2022 and as such more than a year has passed, since then. The Petitioner/A5 is the only bread winner of his family. The Petitioner/A5 has to look after his family and he has to effectively defend the case before this Court for which the grant of bail is just and necessary to him.

(ix) No prejudice would be caused to the Respondent/Complainant if the Petitioner/A5 is granted bail by this court as they have already filed the complaint.



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The Petitioner/A5 shall appear before this Hon'ble Court as and when directed by this Court for the progress of the trial. No Similar bail application is pending before any other Court. The Petitioner /A5 has not been classified by the CBI police themselves under the category of First Link Beneficiaries/accused which means that he had not directly participated in the scheduled offences as well as offences under PMLA 2002 within his exclusive knowledge. The Petitioner/A5 was not involved in the allegations of fraud, forgery impersonation, fabrication of documents, submission of forged documents as genuine. All the allegations are borne out by records and the question of tampering and hampering the evidence does not arise now. Hence prayed to enlarge the petitioner /accused No.5 on bail pending trail in Spl. C.C. No.2 of 2022.

3. Averments in the counter as follows:

(i) An FIR RC032 2020 A0006 dated 31.07.2020 was registered by Anti-Corruption, CBI against Mr.Ganesh Natarajan, Mr.Manimozhi, Mr.Sermathiraja and other unknown persons for offences punishable under Section 120-B, 419, 420, 409, 467, 468 and 471 of IPC, 1860 and under Section 13 of Prevention of Corruption Act, 1988.

(ii) As per the averments in the FIR, the accused persons namely Mr.Ganesh Natarajan, Mr.Manimozhi, Mr.Sermathiraja and other unknown persons in furtherance of their conspiracy had committed the offence of fraud, forgery,

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impersonation, fabrication of false documents, using the forged documents as genuine and opened fixed deposits accounts in the name of Chennai Port Trust and subsequently foreclosed the same and misappropriated the term deposits and thereby committed the offence of criminal breach of trust to the tune of Rs.100 Crore deposited by Chennai Port Trust into Koyambedu Branch of Indian bank and thereby caused loss to the public money which resulted in wrongful gain to them. Hence, the above FIR was registered against the named accused and other accused.

(iii) The Sections 120-B, 419, 420, 467 and 471 of IPC and Section 13 of PC Act are included in para 1 and para 8 of Para A of the schedule appended to PMLA, 2002. Since there appears to be prima-facie a case of money laundering, an ECIR No.CEZO-I/40/2020 was recorded for the offence of money laundering as defined under Section 3 of PMLA, 2002 which is punishable under Section 4 of PMLA, 2002 and investigation under the provisions of PMLA, 2002 was initiated by this Directorate against the Petitioner/A5 herein and others.

(iv) During the investigation, it was revealed that the certain accused herein above are concerned in the above ECIR, are arrested by the predicate offence agency in connection with FIR No.RC 0322020A0006 and remanded to judicial custody by the Hon'ble Principal Special Judge (VIII Additional Judge) of Special Court for CBI Cases and they are lodged in Central Prison, Puzhal, Chennai.

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(v) Since the accused persons by committing the schedule offences Section 120-B, 419, 420, 467, 471 of IPC and Section 13(1)(a) r/w 13(2) of PC Act, 1988 had acquired proceeds of crime and were in possession and enjoyment of the proceeds of crime by concealing its origin and by projecting and claiming the same as untainted. The mandate of PMLA, 2002 is to deprive the person from enjoying the proceeds of crime and to preserve the same for confiscation.

(vi) Therefore, it became absolutely necessary to trace the trail of money/proceeds of crime and to attach the proceeds of crime or properties acquired by using the proceeds of crime with an intention to preserve the same for confiscation on completion of trial. Hence, in order to investigate and identify the complicity of the Petitioner/A5 herein and other co-accused, to ascertain the end/usage of the proceeds of crime etc., after obtaining permission of this Hon'ble Court by its order 27.10.2021 and 16.12.2021 in CrI.M.P. No.7220/2021 and 8685 of 2021, certain accused who are in judicial custody in connection with FIR No.RC0322020A0006 were examined and their statements under Section 50 PMLA were recorded in Central Prison, Puzhal in the presence of Jailor/Addl. SP.

(vii) The Petitioner/A5 by commission of schedule offence viz. by foreclosing the term deposit held by Chennai Port Trust with Indian Bank, Koyambedu branch and subsequently transferred the same to the current account maintained by Chennai Port Trust in the name and style of Chennai Port Trust General Insurance Fund with

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Indian Bank, Koyambedu Branch and later withdrawn in cash a sum to the tune of Rs.15.25 crores and transferred a sum to the tune of Rs.31.6504 crores to various savings and current account held by the petitioner/A5 and other persons/beneficiaries. However, the Petitioner/A5 herein are not disclosing the true facts pertaining to end use of the misappropriated amount. viz. proceeds of crime, complicity of other accused, its placement /layering/concealing etc., Mr.Arun Anbu in his statement recorded under section PMLA has revealed the modus operandi adopted by the Petitioner/A5 in whole scheme of Money Laundering.

(viii) The Respondent/complainant being investigating officer has formed reason to believe based on the incriminating materials collected against the Petitioner/A5 during investigation that the Petitioner/A5 had committed the offence of Money Laundering as defined under Section 3 of PML Act and are guilty of the offence of Money Laundering which is made punishable under Section 4 of PML Act, 2002 and they are directly or indirectly enjoying the proceeds of crime derived by commission of schedule offence and are in possession of the same.

(ix) Further the Offence of money laundering is classified as cognizable and non-bailable as per Section 45 of PML Act. It is trite Law that Economic Offences constitute a class apart and need to be visited with a different approach in the matter of bail. Therefore, it became necessary to arrest the Petitioner/A5 who was in judicial custody in CBI Case for commission of offence of money laundering as defined

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under Section 3 of PML Act.

(x) The Petitioner/A5 along with Mr. V.Manimozhi (A2) and Mr.A.Arun (A6) accompanied Mr.Ganesh Natarajan (A4) who impersonated himself as Deputy Director Finance, Chennai Port Trust and submitted forged documents in the name of Chennai Port Trust and opened a Current Account in the name of Chennai Port Trust -General Insurance Fund with A/c No.6867825525 on 10.03.2020. The Petitioner/A5 acknowledged by way of signing the fixed deposit register for having received the Fixed Deposit Receipt created in the name of Chennai Port Trust though he is neither an officer from Chennai Port Trust nor he was authorized to do do. The Petitioner/A5 collected the account details of 1st Link Beneficiaries through Mr.M.Vijay Heralld (A7), Mr.M.Rajesh Singh (A8), Mr.S.Siyadh (A9) Mr.S.Afsar (A10) and Mr. V.S.Arumugham (A12). These accounts were further used for parking the funds obtained out of liquidating the terms deposits.

(xi) The Petitioner/A5 visited the Indian Bank, Koyambedu branch on five occasions when cash was withdrawn from the newly opened current account in the name of Chennai Port Trust – General Insurance Fund. Investigations have revealed, after the collection of cash subsequent to withdrawal, he visited the house of Mr.Manimozhi (A2) also and handed over around Rs.4.8 crores to Mr.V.Manimozhi (A2) apart from handling other money which was withdrawn from the current account of the Chennai Port Trust- General Insurance Fund.

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(xii) Exact amount of the proceeds of crime retained by Petitioner/A5 out of this fraud is yet to be unearthed. The same could not be unearthed due to absolute non-co-operation of the petitioner/A5 during the investigation under PMLA, 2002. However, during his examination under Section 50 of the PMLA, he has accepted of having received Rs.30 Lakhs as commission for his role in the said fraud. The said amount is still in possession, use and enjoyment of Petitioner/A5 since its illegal acquisition and he has not returned same to the Government. Mr. P.Jayakumar during his examination under Section 50 of PMLA, 2002 dated 31.12.2021 by this office stated that Mr. Vijay Heralld instructed him to transfer the cash on various occasions. Mr.P.Jayakumar has confessed that he ha delivered cash packed in gunny bags to Petitioner/A5 and Mr.V.Sudalaimuthu during the time of fraud. The cash so handed over by Mr.P.Jayakumar to Petitioner/A5 and Mr.V.Sudalaimuthu is nothing but the proceeds of crime obtained out of the withdrawals by the first link beneficiaries.

(xiii) The Petitioner/A5 was present in the Indian bank Koyambedu Branch on several days like 09.03.2020, 23.4.2020, 08.05.2020 and on other occasions during the time of fraud and the screenshots of the CCTV footages and video footage for the above mentioned relevant period submitted by Mr. A.Elankannan , Chief Manager, Indian Bank along with a certificate under Section 65(B) of Indian Evidence Act, 1872 in response to the summons dated 22.12.2021 issued to him under Section 50 of

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PMLA, 2002.

(xiv) The Petitioner/A5 has committed the offence of money laundering by directly attempting to indulge and knowingly assisted and knowingly is a part and is actually involved in process connected with the proceeds of crime including its possession, acquisition or use and projecting or claiming as untainted property in terms of Section 3 of PMLA, 2002

(xv) Thus the petitioner/A5 has violated the provisions of all the limbs of the Section 3 of PMLA, 2002 as mentioned above. He not only committed the Scheduled offences but also committed the offence of Money Laundering and it is clearly proved by his role mentioned above.

(xvi) In terms of Section 45(1) of PMLA, 2002, the twin condition of bail needs to be satisfied. The petitioner/A5 has not produced any material to the satisfaction of this Hon'ble Court in compliance of said twin conditions. If the petitioner/A5 released on bail, he would fly out of India, tamper with evidence and influence witnesses. Further investigation was under progress at this stage.

Hence, Respondent/Complainant prays to dismiss the bail petition filed by the Petitioner/A5.

4 **Point for consideration in this petition is**

Whether the petition can be allowed and bail can be granted to the petitioner/A5?

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5. On the Point:

Heard Both sides. This petition is filed by the petitioner/A5 for bail u/s. 45(1) of PMLA. The major contention of the petitioner/A5 counsel is that the allegations in the PMLA Complaint filed by the Respondent/ED only refers to the involvement of the petitioner/A5 in predicate/scheduled offence for which CBI has already filed charge-sheet in C.C.No.16/2022. The said Complaint does not reveal any of the acts of Money Laundering as defined u/s. 3 of PMLA against the petitioner/A5. Apart from this, the petitioner/A5 is in judicial custody for the past 1 year and 3 months in this(PMLA) case. The court has taken cognizance of the offence and the copies of the prosecution documents were already given to the accused persons. The case is pending for framing of charges. There is no possibility of conclusion of trial in this case in near future. There is no purpose in keeping the petitioner/A5 in judicial custody. There won't be any prejudice to the Respondent/ED if the petitioner/A5 is released on bail.

6. The Special Public Prosecutor appearing for the Respondent/ED strongly objected bail plea of the petitioner/A5 stating that the petitioner/A5 has actively assisted the main accused Sudalaimuthu and his associates in creating the forged documents to swindle the amount from the account of Chennai Port Trust maintained in Indian Bank, Koyambedu branch. He visited the Indian Bank, Koyambedu Branch for 5 times or more along with Ganesh Natarajan(A4), Manimozhi(A2) and Arun(A6) to open fake current account and also to withdraw cash from the fake account to

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handover the same to Manimozhi(A2). The petitioner/A5 also collected bank details of 1st link beneficiaries through Vijay Herald(A7), Rajesh Singh(A8), Siyadh(A9), Afsar(A10) and Arumugam(A12). The act of helping the accused persons who launder proceeds of crime either directly or indirectly would also amount to money laundering as defined u/s.3 of PMLA. Further, the petitioner/A5 did not reveal the truth when he was interrogated by the ED. The Petitioner/A5 may abscond if released on bail. Hence, the Special Public Prosecutor prayed to dismiss the bail petition.

7. Before going into the merits of the bail petition, it would be helpful to refer some of the important provisions of PMLA for easy understanding of the scheme of the act.

“ 3. **Offence of money-laundering.**—Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the [proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming] it as untainted property shall be guilty of offence of money-laundering.

²[**Explanation.**—For the removal of doubts, it is hereby clarified that,—

- (i) a person shall be guilty of offence of money-laundering if such person is found to have directly or indirectly attempted to indulge or knowingly assisted or knowingly is a party or is actually involved in one or more of the following processes or activities connected with proceeds of crime, namely:—
 - (a) concealment; or
 - (b) possession; or
 - (c) acquisition; or
 - (d) use; or
 - (e) projecting as untainted property; or
 - (f) claiming as untainted property, in any manner whatsoever;
- (ii) the process or activity connected with proceeds of crime is a continuing activity and continues till such time a person is directly or indirectly enjoying the proceeds of crime by its concealment or possession or acquisition or use or projecting it as untainted property or claiming it as untainted property in any manner whatsoever.]

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45. Offences to be cognizable and non-bailable.—(1) [Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no person accused of an offence] shall be released on bail or on his own bond unless—]

(i) the Public Prosecutor has been given a opportunity to oppose the application for such release; and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail:

Provided that a person, who, is under the age of sixteen years, or is a woman or is sick or infirm, [or is accused either on his own or along with other co-accused of money-laundering a sum of less than one crore rupees] may be released on bail, if the Special Court so directs:

Provided further that the Special Court shall not take cognizance of any offence punishable under section 4 except upon a complaint in writing made by—

(i) the Director; or

(ii) any officer of the Central Government or a State Government authorised in writing in this behalf by the Central Government by a general or special order made in this behalf by that Government.

4[(1A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), or any other provision of this Act, no police officer shall investigate into an offence under this Act unless specifically authorised, by the Central Government by a general or special order, and, subject to such conditions as may be prescribed.]

(2) The limitation on granting of bail specified in s*** sub-section (1) is in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.

6[Explanation.—For the removal of doubts, it is clarified that the expression "Offences to be cognizable and non-bailable" shall mean and shall be deemed to have always meant that all offences under this Act shall be cognizable offences and non-bailable offences notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (2 of 1974), and accordingly the officers authorised under this Act are empowered to arrest an accused without warrant, subject to the fulfillment of conditions under section 19 and subject to the conditions enshrined under this section.]”

8. From the above provisions, two things are clear. One is that mere involvement in any of the process or activity connected with the proceeds of the crime itself would amount to money laundering. Another is that for getting bail under PMLA, the accused must fulfill the **twin conditions** u/s.45(1) of the Act. It is true that the accused person is in prison for more than 15 months in this case. It is also true that the investigation was already over and the cognizance of the case was already taken and copies were already furnished to the accused persons. The

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petitioner counsel relied on the recent judgment of the Hon'ble Supreme Court in
“Vijay madanlal Choudhary -vs- Union of India, - 2022 SCC OnLine SC 929,
 wherein it was held as follows....



.....

“131. It is important to note that the twin conditions provided under **Section 45** of the 2002 Act, though restrict the right of the accused to grant of bail, but it cannot be said that the conditions provided under Section 45 impose absolute restraint on the grant of bail. The discretion vests in the Court which is not arbitrary or irrational but judicial, guided by the principles of law as provided under Section 45 of the 2002 Act”.

9. He further pointed out that the terms **“Reasonable grounds for believing”** stated in Sec.45(1)(ii) of PMLA means that the court has to see only if there is a genuine prima facie case against the accused and the prosecution will be able to produce prima facie evidence in support of the charge. At this stage the prosecution is not required to prove or put forth materials to prove the guilty of the accused. Further, while granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger

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interests of the public/State and other similar considerations. The petitioner counsel further argued that there is no purpose in keeping the petitioner in judicial custody after completion of the investigation. The evidences in this case are borne by documents and there is absolutely no chance to tamper the same. The very object of the bail is to secure the appearance/presence of the accused at the time of trial. The pre-trial judicial custody is neither punitive nor preventive and it only denies the personal liberty guaranteed by the Art.21 of the Constitution. Denying bail for longer period would amount to pre-trial punishment which is against the spirit of Article 21 of the Constitution of India. He also pointed out that, if the accused, who spent a long time in prison as under-trial prisoner, is found not guilty in future and acquitted after trial, then who will compensate the accused for his life and liberty for the period spent/lost as under-trial prisoner.

10. This court is really concerned about the judicial custody of the petitioner/A5 who is languishing in prison for more than 1 year and 3 months without any purpose. As pointed out by the petitioner/A5 counsel, the allegations in the Complaint of Respondent/ED would tend to expose the petitioner/A5 for prosecution of charges under predicate offence and there is no specific allegation to expose him for prosecution of charges under PMLA. There is no material against the petitioner/A5 to show that he involved in any money laundering activity as defined u/s.3 of PMLA. The allegations in the complaint filed under Sec.4 of PMLA only

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reveals that the petitioner/A5 had accompanied Ganaesh Natarajan(A4) and others to Bank to open fake current account and has withdrawn cash for handing over the same to Manimozhi(A2) and also collected bank account details of 1st link beneficiaries through A7 to A12. The person/accused involved in the predicate offence and the person/accused involved in money laundering activity need not be the same. The Respondent/ED has added the petitioner/A5, who was the accused in predicate offence/scheduled offence, without any specific allegation or prima facie material against him regarding his involvement in the money laundering activity. As pointed out by the Hon'ble Supreme Court in “Vijay madanlal Choudhary Vs. Union of India” case, the special court under PMLA is always vested with discretionary power to grant bail to an accused u/s.45 of PMLA. In bail order, there is no need to discuss factual aspects of the case elaborately. As stated earlier, the complaint filed by the Respondent/ED under PMLA, is bereft of the prima facie materials and lack of specific allegations against the petitioner/A5 with reference to money laundering activity. The accused is in prison for almost for 15 months without any purpose. Though the Special Public Prosecutor claimed that the investigation is still continuing, this court has already taken cognizance against the accused persons and furnished copies of the prosecution documents to the accused u/s.207 Cr.P.C. The case is pending for framing of charges. There is no purpose in keeping the accused in jail as there is no possibility of conclusion of trial in near future. Every person is

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presumed to be innocent, until proved guilty. In its latest judgment in **Mohd Muslim @ Hussain vs State (Nct Of Delhi)**, dt. 28 March, 2023, <http://indiankanoon.org/doc/135015744/>, the Hon'ble Supreme Court has reiterated the dangers of prolonged detention of under-trial prisoners especially under Special Laws enacted with stringent bail conditions. In **“Sanjay Chandra Vs. Central Bureau of Investigation” - (2012) 1 SCC 40**, the Hon'ble Supreme Court has clearly explained the concept and purpose of granting of bail even in grave economic offences especially when investigation was completed. The Hon'ble Supreme Court of in **“P. Chidambaram vs. Directorate of Enforcement” - (2019) 9 SCC 24** categorically stated that “the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has opportunity of securing fair trial.....even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the bail jurisprudence provide so”. While granting bail, the court has to see, 1. gravity of the offence, 2. severity of the punishment prescribed, 3. role of the accused, 4. length of incarceration of the accused as under-trial prisoner, 5. need/necessity for keeping the accused in judicial custody and 6. health condition of the accused. The decisions of the Hon'ble Supreme Court in **“Siddharth Vs. State of Uttar Pradesh” - 2021 SCC OnLine SC 615** and

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“Satender Kumar Antil Vs. Central Bureau Of Investigation” - (2022) 10 SCC 51 have elaborately laid down the guidelines regarding arrest and bail in cases of various nature. Considering the facts and circumstances, this court is inclined to grant bail to the petitioner/A5 with stringent conditions. This point is decided accordingly.

11. Considering the facts and circumstances, this petition is allowed and the petitioner/A5 is ordered to be released on bail on following conditions:

- i.) The Petitioner/A5 shall execute a bond for Rs.25,000/- with two sureties for the like sum who must be his blood relatives, and
- ii.) The Petitioner/A5 shall also deposit Rs.30,00,000/- before this court which he allegedly received as commission out of the swindled amount, and
- iii) He shall also appear and sign before this court daily at 10.00A.M on all working days until further orders, and
- iv) Further, the Petitioner/A5 shall not leave Chennai City limits until further orders.
- v.) He shall not tamper with evidence and shall appear on every hearing of the case without fail.

Dictated directly to the steno typist, typed by him, corrected and pronounced by me in the open court this the 20th day of June, 2023.

J. Kumar
IX Additional Special Judge for
CBI Cases, Chennai.

