

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL ORIGINAL PETITION Nos.7146, 7178 and 7204 of 2017

J. SEKAR,

[PETITIONER / ACCUSED IN
CRL.OP.7146/2017]

K.SRINIVASALU

[PETITIONER/ACCUSED IN
CRL.OP.7178/2017]

M.PREM KUMAR

[PETITIONER/ ACCUSED IN
CRL.OP.7204/2017]

Vs

1 ASSISTANT DIRECTOR,
DIRCTORATE OF ENFORCEMENT,
CHENNAI ZONAL OFFICE,
2ND, 3RD FLOOR, MURUGESA NAICKER COMPLEX,
NO. 84, GREAMS ROAD, CHENNAI-600 006.
ECIR/19/2016

[RESPONDENT IN CRL.OP.7146/2017]

2 ASSISTANT DIRECTOR,
DIRCTORATE OF ENFORCEMENT,
GOVERNMENT OF INDIA, MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE,
2ND, 3RD FLOOR,
NO.84, MURUGESA NAICKER COMPLEX,
GREAMS ROAD, CHENNAI-600 006.
E.C.I.R.NO.CEZO/19/2016

[RESPONDENT IN CRL.OP.Nos.7178 &
7204/2017]

For Petitioner : M/S.VIKRAM CHOWDHRI SENIOR COUNSEL FOR
M/S.B.PRAVEEN Advocate IN CRL.OP.7146/2017

For Petitioner : M/S.S.ASHOK KUMAR, SENIOR COUNSEL FOR
M/S.THOMAS T JACOB, Advocate in CRL.OP.7178/2017

For Petitioner : M/S.B.SATISH SUNDAR, Advocate in CRL.OP.7204/2017

For Respondent : MR. N.RAMESH, SPECIAL PUBLIC PROSECUTOR FOR ED CASES
IN ALL THE PETITIONS

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

28. Admittedly, the petitioners have been interrogated in custody and they are in custody over a period of 50 days in this case. In such circumstances, the plea of the petitioners that they have cooperated with the respondent at all stages of investigation and the amount alleged to have been recovered from them are their own business income and as such there is no material to prove that they are guilty of the offence and further as the limitations of Section 45(1) of PMLA is not applicable, it should be treated as regular bail under Section 439 Cr.P.C., and the petitions should be entertained.

29. In view of the above said discussion, this court is of the view that the petitioners have made out a case for grant of bail. Accordingly, the above Criminal Original Petitions are allowed. Accordingly, it is ordered that the petitioners shall be released on bail on the following conditions:-

(i) on each of the petitioners executing a bond for a sum of Rs.Ten Lakhs (Rupees Ten Lakhs only) with two solvent sureties each for a likesum to the satisfaction of the learned VIII Additional Sessions Court, CBI Cases, Chennai;

(ii) the petitioners shall stay at New Delhi and report before the Officer in charge of PMLA Case, Enforcement Directorate at Delhi, daily at 10 a.m., until further orders ;

(iii) The petitioners are directed to surrender their passport, if not already surrendered in connection with any other case, before the respondent-ED and shall not leave the country without obtaining prior permission from the respondent by filing a necessary affidavit with place of the trip and period;

(iv) The petitioners shall furnish a mobile phone number to the Investigating Officer prior to their release and shall ensure the same to be operational at least between 9.00 a.m., to 6.00 p.m.

(v) Petitioners shall not in any manner have any contact directly or indirectly with any person connected with the case either as a witness or as an accused or in any other capacity.

(vi) The petitioners shall file an undertaking to furnish all information and/or issue any written instructions and/or correspondence for and in relation to any specific purpose, as sought for by the ED for the purpose of facilitation of investigation, except any self incriminating disclosure.

-sd/-

12/05/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE VIII ADDL. SESSIONS COURT,
CBI CASES, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI.

3 THE SPECIAL PUBLIC PROSECUTOR
FOR ED CASES, HIGH COURT, MADRAS.

4 ASSISTANT DIRECTOR,
DIRECTORATE OF ENFORCEMENT, CHENNAI ZONAL
OFFICE, 2ND, 3RD FLOOR,
MURUGESA NAICKER COMPLEX,
NO. 84, GREAMS ROAD, CHENNAI-600 006.

5 THE OFFICER IN CHARGE
OF PMLA CASE, ENFORCEMENT DIRECTORATE AT
DELHI.

6 ASSISTANT DIRECTOR,
DIRECTORATE OF ENFORCEMENT,
GOVERNMENT OF INDIA, MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE,
OFFICE, 2ND, 3RD FLOOR,
NO.84, MURUGESA NAICKER COMPLEX,
GREAMS ROAD, CHENNAI-600 006.

+2 CC to M/S.B.PRAVEEN Advocate on payment of necessary charges-
Sr.NO.8984

+3 CC to M/S.THOMAS T JACOB, Advocate on payment of necessary
charges-Sr.NO.8989

+2 CC to M/S.B.SATISH SUNDAR, Advocate on payment of necessary
charges-Sr.NO.8988

CRL OP.Nos.7146, 7178 and 7204/2017

Date :12/05/2017

THS : 12.05.2017