

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.02.2018

PRONOUNCED ON: 20.02.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.2004 and 2005 of 2018

Shri.M.Premkumar .. Petitioner in
both cases/2nd Accused

/versus/

State Represented by
Superintendent of Police,
CBI, ACB, Shastri Bhavan,
Chennai 600 006. .. Respondent in
both cases

Prayer in Crl.O.P.No.2004 of 2018: Criminal Original
Petition is filed under Section 482 of Cr.P.C. Praying to
completely relax the bail condition of reporting before the
respondent on every first Monday of the month in
Crl.M.P.No.3346/2017 dated 11.09.2017 on the file of XI
Additional Special Judge, CBI, Chennai.

Prayer in Crl.O.P.No.2005 of 2018: Criminal Original
Petition is filed under Section 482 of Cr.P.C., praying to
completely relax the bail condition of reporting before the
respondent on every first Monday of the month in
Crl.M.P.No.3345/2017 dated 11.09.2017 on the file of XI
Additional Special Judge, CBI, Chennai.

For Petitioner :Mr.B.Satish Sundar
in both cases

For Respondent :Mr.K.Srinivasan, Spl.P.P(CBI)
in both cases

COMMON ORDER

The petitioner herein is arrayed as 2nd accused in
Crime No.RCMA No.1/2016 A 0051 on the file of the
respondent and pending before XI Additional City Civil and
Sessions Judge and Special Court for CBI Cases relating to
Banks and Financial Institutions.

2. This petitioner was initially shown as accused in Cr.No.RCMA No.1/2016 A 0040 registered by the respondent on 02.01.2017 for the alleged offences under Sections 120-B r/w 409 and 420 IPC and under Section 13(2) r/w 13(1)(c) and 13(1)(d) of Prevention of Corruption Act, 1988. He was arrested by the respondent and later, enlarged on bail on 17.03.2017 on condition that he should appear before the respondent daily at 10.30 a.m., until further orders for the purpose of investigation.

3. While so, on 20.03.2017 in connection with the case booked by the Enforcement Directorate under the Prevention of Money Laundering Act, 2002, he was arrested and remanded to judicial custody in connection with Crime No.RCMA No.1/2016 A 0051. Later, he was released on 12.05.2017 on condition that he should stay at Delhi and report before the Enforcement Directorate daily. The said condition was relaxed/modified subsequently in Crl.M.P.Nos.1859 and 1860 of 2017 by the trial Court that he should report before the respondent once in 15 days. The said condition was further relaxed in Crl.M.P.Nos.3345 & 3346 of 2017 that he should report before the respondent on first Monday of every month. Accordingly, he complied with the said condition without any default. When he sought for relaxation of the condition in toto in Crl.M.P.Nos.4945 & 4946 of 2017, the trial Court has rejected his request. Hence, the petitioner has filed the aforesaid criminal original petitions viz., Crl.O.P.Nos.2004 and 2005 of 2018 for relaxation.

4. The learned counsel appearing for the petitioner would submit that after modifying the condition to report before the respondent police every first Monday of every month, the petitioner has scrupulously complied with the said condition but there is no interrogation by the police he just sign the register and return home. Therefore, if the condition is modified to the effect that he shall report before the investigating officer as and when required, that will be helpful to him to take care of his personal affairs and no prejudice will cause to the investigation.

5. Per contra, the learned Special Public Prosecutor appearing for CBI Cases would submit that the investigation in this case has entered very crucial stage and soon the final report will be filed. If the condition is relaxed, there is every possibility of absconding and non-co-operation will hamper the completion of the investigation. It is also pointed out by the learned Special Public Prosecutor that apart from the petitions to relax the bail condition, the petitioner has also sought for return of passport which has been surrendered pursuant to the order of the Court. The

trial Court, after giving due consideration of the plea, has rightly dismissed the petitions to return of passport as well as relaxation of bail condition. Since the relief sought have bearing on each other. Therefore, these petitions for seeking relaxation of the bail condition shall not be entertained.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for CBI Cases.

7. This Court while considering the request of the petitioner for return of passport has dismissed the same, in view of the gravity of the crime as well as stage of the investigation and also for bereft of particulars furnished by the petitioner in spite of affording an opportunity to provide specific information of his proposed travel to abroad. As pointed out by the learned Special Public Prosecutor for CBI Case, while considering the application of this nature, the litmus test should be the conduct of the party, offence for which he is subjected to the investigation and the possibility of fleeing from the due process of law. In this case, neither gravity of the offence nor the stage of the investigation gives room for considering the request made by the petitioner.

8. Accordingly, these petitions to relax the bail condition are dismissed for the present.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. Additional Special Judge, CBI, Chennai.

2. Superintendent of Police, CBI, ACB, Shastri Bhavan, Chennai 600 006.

3. The Special Public Prosecutor for CBI Cases, High Court, Madras.

+2 +1 CC to Mr.B.Satish Sundar, Advocate Sr.No.12844, 12843

Pre-delivery order made in
Crl.O.P.Nos.2004 and 2005 of 2018

SVI (CO)
KP(08/03/2018)