

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 29.11.2018****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****Crl.O.P.No.25844 of 2018**

State represented by
Deputy Director,
Directorate of Enforcement,
Chennai Zonal Office,
Murugesu Niacker Complex,
No.84, Greaves Road,
Chennai-600 006.

... Petitioner

Vs.

K.Peer Mohamed,
No.1, Angappa Naicken Street,
Mannady, Chennai - 600 001.

... Respondent

Prayer: Petition filed under Section 439(2) of Cr.P.C.,
seeking to cancel the Anticipatory Bail granted to the
accused/respondent vide order dated 24.08.2018 by this Court in
Crl.OP.No.14809/2018 and the accused be committed to custody.

For Petitioner : Mr.N.Ramesh

For Respondent : Mr.R.Nanrendran

ORDER

The petitioner/ defacto complainant has filed this petition
seeking cancellation of anticipatory bail under Section 439(2) of

Cr.P.C. against the order dated 24.08.2018 made in CrI.O.P.No.14809 of 2018 by this Court.

2.The case of the prosecution is that the accused, without a financial and business background made the foreign outward remittances of USD 3,332,100.00 equivalent to INR 22,32,41,733.00 by submitting forged bills of entry to the authorised dealer bank i.e. Indian Bank, Thousand lights branch, Chennai. After the search of the residential place in the manner provided under Law, the summons was issued for personal appearance of the accused on various dates and serviced in the manner provided under chapter VI of the Cr.P.C. The accused suppressing the facts, filed a petition for grant of anticipatory bail in CrI.O.P.No.14809 of 2018 on 24.08.2018.

3.The learned counsel appearing for the petitioner would submit that the respondent filed CrI.O.P.No.14809 of 2018 seeking anticipatory bail and the same was allowed by this Court on 24.08.2018 by imposing a condition that the petitioner has to surrender before the concerned Sessions Judge, designated for PMLA cases, Chennai within a period of 15 days from the date of receipt of a copy of this order on his executing a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned

Sessions Judge concerned, failing which the anticipatory bail granted to the petitioner shall stand cancelled automatically and another condition to appear before the respondent – investigating officer daily at 10.30 a.m. and 5.30 p.m. Until further orders. The order had been despatched on 04.09.2018 itself. The respondent had neither come forward with an extension petition nor modification petition. The petitioner has not complied with the enforced conditions. Hence, the petitioner is praying for cancellation of anticipatory bail granted to the respondent.

4.The learned counsel appearing for the respondent would submit that the order copy yet to be received by him.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.On a perusal of the case records, it is seen that the order copy had been made ready on 04.09.2018 itself. The respondent wantonly did not obtain the same and has executed surety or appeared before the concerned sessions Court.

M.DHANDAPANI,J.
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7.This Court is well aware that anticipatory bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. Further, the Hon'ble Apex Court has repeatedly held that very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail already granted.

8.This criminal original petition is accordingly allowed and the anticipatory bail granted to the respondent in CrI.O.P.No.14809 of 2018 dated 24.08.2018 by this Court is hereby cancelled. The petitioner is directed to surrender before the respondent.

29.11.2018

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To
The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

WEB COPY

CrI.O.P.No.25844 of 2018