HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9569 of 2018

ORDER:

The petitioner is A.2 among several accused of crime No.181 of 2017 of Muvvalavanipalem Police Station, Visakhapatnam Commissionerate, registered for the offences punishable under Sections 120-B, 420, 465, 468, 471 r/w 34 IPC. He is now seeking regular bail having been in judicial custody since 14.05.2018 from the cancellation of the earlier bail order. He is now in judicial custody having been arrested on execution of NBW on 29.04.2018 and produced before the Court later, on cancellation of the earlier bail order of the Chief Metropolitan Magistrate, Visakhapatnam, in Crl.M.P.No.1100 of 2017 dated 25.07.2017 with conditions of executing a self bond for Rs.5 lakhs with two sureties and shall stay at Visakhapatnam and shall not leave the city of Visakhapatnam till charge sheet is filed, shall furnish his full address particulars of Visakhapatnam and shall report before the IO, CID between 2 PM and 5 PM every alternate day till charge sheet is filed for having attended before the CID police till 23.12.2017 later failed to attend from which the CID police filed petition/memo for cancellation of bail for non-compliance of the conditions that was allowed vide Crl.M.P.No.347 of 2018 dated 16.02.2018. So far as that cancellation of earlier bail order referred supra he did not challenge, but for subsequently moved for regular bail and went unsuccessful vide Crl.M.P.No.1655 of

2018 dated 24.08.2018, leave about even earlier dismissal of similar application in Crl.M.P.No.1634 of 2018.

In the present bail application the contentions are that after 23.12.2017 he could not attend before the CID Police, Visakhapatnam as he was constrained to go to Pune of Maharastra State to know about the situation of his daughter and son in law who were suffering from severe health ailments and while so, on 23.01.2018 his son in law passed away and from his daughter is in bereavement to support her and therefrom also he went to immense mental agony from the death of his son in law and the obligation in assisting his daughter, hence he is entitled to the concession of fresh bail and ready to abide by conditions and to offer the solvency.

Learned Public Prosecutor opposed the bail application from the written instructions of the CID police on several grounds. The main contentions are the original bail application itself is not merits and could not have been granted for there is large financial scam with grave economic and adverse impact in crores of public money in which the petitioner and others are involved. It is the submission that but for A.1 son of A.2 and A20 and A.21 besides A3, A4, A6 & A.11 arrested others among 21 accused still in abscondence and the investigation still in progress including to unearth the crores of rupees loss to the exchequer from the conspiracy and criminal acts of the accused in creating fake, false and forged documents in cheating various banks in availing and drawing huge amounts based on those and in evasion of the tax and Joint Director, Income Tax, Visakhapatnam lodged complaint covered by crime No.181 of 2017 dated 11.05.2017 that was later transferred to CID police now under investigation. The IO denied the petition averments of any harassment by CID police and making him to wait for hours together on their alternate day visiting the police station as per the bail conditions. It is stated that several times for part of the investigation sent to Calcutta, Delhi, Mumbai and Nagpur to unearth the various transactions of fraud, forgery and cheating and apprehension of several other accused including A.7 and A.8 including by look out notice sent to the authorities of not to allow to leave the Country and red corner notice to apprehend them and extradite to India if already left the country. It is averred that A.1 through illegal transaction had ill-gotten money of more than Rs.10 crores by invested in the companies of A.2 and A.16 wife of A.2. The investigating agency as to unearth different layers of bank accounts and name and addresses of persons through which RTGS/NEFT/cash transfer to the accounts of shell companies of A.1, which is a laborious task and takes time to complete the investigation including by apprehension of other accused in abscondence and if the petitioner is allowed to have further concession of bail, he will not only violate as was earlier and jump bail and screen his presence and it will be difficult to secure his presence as earlier on cancellation of bail to apprehend him teams were sent to Kolkatta, Delhi, Pune, Srikakulam and ultimately apprehended at Thirupathipuram, West Godavari District, AP. It is detailed that 12 companies were registered in the name of A.1 son of A.2 and A.16 and A.1 got different names as Mahesh Vaddi @ Mahesh Valuri @ Akula Krishna S/o Srinivasa Rao. He stayed for some at Kolkatta and sometime at Visakhapatnam. Out of the 12 different companies floated, 10 companies registered with ROC Kolkata and 2 with ROC Visakhapatnam to facilitate transfer of funds and reporting turnovers and except in one company Serikos Exports Private Limited no business carried in any other companies. A.1 opened at about 30 bank accounts relating to above 12 companies in various banks and 12 bank accounts relate to his family concerns, 19 bank accounts indicate about inward domestic remittance of Rs.680.94 crores. Out of that amount, an amount of Rs.569.93 crores remitted outside India to 5 concerns towards purchase of customized software and Rs.111.60 crores were transferred to other entities of India. Most of the remittances received through NEFT/RTGS and one of the accounts is deposited in cash of Rs.26 crores. The domestic remittances are mainly received from entities based on Kolkotta belonging to Ayush Goel alias Shiny, Vineet Goenka @ Chintu and Vikas Gupta. As part of modes operandi various false accounts opened in bank with fake and false documents like voter card, Aadhar card, pan card etc. and business people not in a position to pay bank EMIs and used their accounts for money transfer to shell companies by offering them commission and in hawala method adopted if account holder in other cities and in transferring the amounts to Abroad as payments towards software importing from foreign countries and for the foreign remittance by preparing false invoices and forging the signatures and by obtaining form 15 CA, 15 CB by software download. It is referred saying A.1 transferred a sum of Rs.6,21,36,690/- to foreign accounts from Hyderabad bank accounts and Rs.341,66,98,230/- from Visakhapatnam bank accounts to foreign accounts and also Rs.623,71,84,932/- from Kolkatta bank accounts to foreign accounts between 02.05.2014 to 28.02.2017. It is also stated that in view of the above, though not in so many words the learned Sessions Judge dismissed the bail application of the petitioner more than once after cancellation of the bail, bail order concession for its abuse, for this Court there is nothing to grant any bail.

A perusal of the record with reference to the addition when clearly shows ramification and crores of hawala transactions involved and the petitioner is no other than father of A.1 and privy to it from what is discussed supra along with other accused of about 21 in number in all. This Court is not inclined to grant any bail to the petitioner even conscious of the fact of the investigation takes further time more particularly from the factum of the earlier bail order without reference to the above facts even granted that concession was abused and left against the order of Visakhapatnam city and failed to attend for months together before the IO and without any prior permission of the

Court much less with direction of the order much less with any necessity to leave with such permission.

Accordingly and in the result, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 25.09.2018
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