IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.23437 of 2021

JOHNSON SAMUEL [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
Q BRANCH CID,
CHENNAI.
CRIME NO.01 OF 2021.

For Petitioner : M/S. S.ESAKKIMUTHU Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.10.2021 for the offences under Sections 12(1b), 12(1A)(a) of passport Act, r/w. Section 420, 465, 468, 471 of IPC, r/w. 14(a) of the Foreigners Act and Section 18, 39, 40 of unlawful activities (Prevention) Act, in Crime No.01 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons entered into a conspiracy in order to siphon off huge money to the tune of Rs.42.28 Crores lying in the dormant account maintained in the Indian overseas Bank, Fort Mumbai Branch by one Hamida A Lalljee and other, in a dishonest and fraudulent manner with an ulterior motive to utilize the fund for furthering the activities of the LTTE in India, which is a banned organisation by the Government of India. Further, they all have acted as per the direction of one Umakanthan, Ex-LTTE who is at Denmark. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an practicing advocate and he is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 85 days from 13.10.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the accused attempted to withdraw money to the tune of Rs.42.28 Crores lying in the dormant account maintained in the Indian overseas Bank, Fort Mumbai Branch, by one Hamida A Lalljee and other in a fraudulent manner as per the direction of one Umakanthan, Ex-LTTE who is at Denmark. Insofar as the petitioner is concerned, he has helped the other accused to create fake documents and that the case needs a detailed investigation.

5.On seeing the grave nature of allegations in the FIR and the involvement of the petitioner and that the case needs a detailed investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
13/12/2021

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 INSPECTOR OF POLICE,
Q BRANCH CID, CHENNAI.

2 THE SUPERINTENDENT,
PUZHAL PRISON. CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.ESAKKIMUTHU Advocate on payment of necessary charges

CRL OP.23437/2021

Date :13/12/2021

JPA 05/01/2022