IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.03.2022

Pronounced on : 28.03.2022

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.6649 of 2022

A.Arun ... Petitioner

/versus/

The Assistant Director,
Directorate of Enforcement, GOI,
Ministry of Finance, Dept. of Revenue,
2nd and 3rd Floor, C Block Murugesa
Naicker Complex, 84 Greems Road,
Thousand Lights, Chennai-6.
(ECIR No.CEZO-I/40/2020 of 2020) ... Respondent

Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code praying to enlarge the petitioner on bail pending investigation before the investigating agency in ECIR No.CEZO-I/40/2020 of 2020

For Petitioner : Mr.R.C.Paul Kanakaraj

For Respondent : Mr.P.Sidharthan,
Special Public Prosecutor
E.D. Cases

ORDER

This Criminal Original Petition for bail in a case registered by the respondent under PMLA Act.

2.Earlier, CBI, Chennai has registered First Information Report in RC032/2020/A0006, dated 31.07.2020 against Ganesh Natarajan, Manimozhi, Sermathiraja and other unknown persons for offences punishable under Sections 120B, 419, 420, 409, 467, 468 & 471 of IPC and Section 13 of the Prevention of Corruption Act, 1988.

3.The case of the CBI is that the Chennai Port Trust was made to invest amount of Rs.100 crores in the Indian Bank, Koyambedu Branch and later, by impersonation and fabrication of false documents, around Rs.45 crores was withdrawn and deposited in a fake account opened in the name of Chennai Port Trust, General Insurance Fund and from that account, money siphoned to various other accounts created for the sake of siphoning off the money. In the course of investigation, the involvement of this petitioner aiding other accused Selvakumar for opening fake accounts by impersonation has come to light.

4.The case registered by the CBI being a scheduled offence, the Enforcement Directorate has registered the case under the Prevention of Money Laundering Act, 2002 (in short "PMLA Act") in ECIR/CEZO-I/40/2020. Based on the statements and evidence recorded, being satisfied that there is a reasonable ground to detain the petitioner for the offence of money laundering and punishable under Section 4 of the Act, the petitioner was arrested on 08.03.2022.

5.The learned counsel appearing for the petitioner would submit that in the predicate offence registered by CBI, this Court granted anticipatory bail and he has been complying the condition without any deviation. Even when the respondent/Enforcement Directorate summoned him for enquiry, he without fail has been regularly attending the enquiry. While so, based on the alleged confession of the co-accused Selvakumar, he has been arrested and the ground of arrest is very flimsy. In any event, the petitioner is ready to co-operate with the investigation and hence, he may be granted bail.

6.A detailed counter has been filed by the respondent wherein on investigation the role of the petitioner in the fraud of cheating Rs.45crores deposited by the Port Trust has come to light and this petitioner has played a very rebuttal role in layer proceedings of crime deprived by the commission of the scheduled offences. It is submitted that the investigation is at nascent stage and there is every possibility that the accused is capable of tampering and destroying the incriminating evidences against him and if the petitioner is granted bail, there is every likelihood of fleeing away from the justice.

7.Certain portion of the statement given by the co-accused incriminating this petitioner and the documents were also relied on and referred by the learned counsel appearing for the respondent.

8.This Court on perusing those records is of the view that gravity of the offence involving more than Rs.45 crores requires detention of the petitioner till completion of the investigation. Since the trail of the tainted money though established, not yet recovered. The documents related to that are yet to be collected. If the petitioner is granted bail, there is every possibility of destroying the evidence. Hence, this Criminal Original Petition is dismissed.

-sd/-
28/03/2022

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 ASSISTANT DIRECTOR
DIRECTORATE OF ENFORCEMENT, GOI,
MINISTRY OF FINANCE, DEPT. OF REVENUE
2ND AND 3RD FLOOR, C BLOCK MURUGESA
NAICKER COMPLEX, 84 GREAMS ROAD,
THOUSAND LIGHTS CHENNAI-6

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE OFFICER INCHARGE
SUB JAIL, CHENNAI.

4 SPECIAL PUBLIC PROSECUTOR E.D. CASES
HIGH COURT, MADRAS.

+1 CC to THE SPECIAL PUBLIC PROSECUTOR (ED) Advocate on payment of necessary charges SR.NO.4609

CRL OP.6649/2022

Date :28/03/2022

JPA 29/03/2022