



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9010 of 2022

1 S.ANAND

[PETITIONERS / ACCUSED]

2 S.VENKADESH

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CBI, ACB, CHENNAI.
CR.NO.RC.0322020A0006.

[RESPONDENT]

For Petitioner : M/S.N.MURALIKUMARAN, Advocate for
M/S.MCGAN LAW FIRM Advocate

For Respondent : MR.K.SRINIVASAN, Special Public Prosecutor
for CBI-cases

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who was arrested at the hands of the Respondent police on 08.02.2022 for the alleged offences **under Sections 120-B, 419, 420, 409, 467, 468, 471 of the Indian Penal Code and Section 13 (1)(a) read with Section 13(2) of the Prevention of Corruption Act 1988 (as amended in 2018)** in Crime No. RC0322020A0006 of 2020 seeks bail.

2. The petitioners herein are arrayed as A23 and A22 by way of supplementary final report filed by CBI, in connection with the investigation conducted by them regarding siphoning of the amount of Rs.45 crores from the Port Trust of India.

3. The learned counsel for the petitioner submitted that, in the alleged case of fraud of Rs. 45 crores, the FIR was registered on 31.07.2020 and the respondent filed a final report on 02.11.2021 against 17 persons, wherein petitioners were shown as LW 70 and LW 71. Since the petitioners are sons of one Sudalaimuthu, who is



arrayed as first accused in this case and another son of Sudalaimuthu is absconding, the CBI pressurised the petitioners to disclose the whereabouts of Gurunathan and since the petitioners were not aware of the whereabouts of Gurunathan, they are not helping the CBI, being aggrieved, the petitioners were arrested on 08.02.2022 on the ground that they are also part of the conspiracy to commit the crime of impersonation, cheating and fraud.

4. The learned counsel for the petitioners further submitted that the petitioners were arrayed as A23 and A22 and arrested on 08.02.2022. Thereafter, second supplementary charge sheet was also filed by the Respondent Police on 25.02.2022, alleging that the petitioners have forged the signature of one Ganesh @ Ganesh Natarajan (A4) who himself is an impersonator according to the Respondent Police.

5. The Learned counsel further submitted that as far as the second petitioner Venkadesh, who is arrayed as A2 is concerned, there is no material to rope him as one of the accused, except he being son of Sudalaimuthu/A1.

6. The Learned Special Public Prosecutor herein has filed a detailed counter affidavit, wherein it is stated that, after filing final report and first supplementary charge sheet, further investigation has disclosed that some of the FDR receipts, withdrawal letter and cheques were forged by the petitioners and when the said Ganesh @ Ganesh Natarajan (A4) was not available. Those suspected signatures and writings were sent to forensic laboratory for comparison.

7. The Expert's Opinion vide Doc.No. 179 of 2021 dated 24.12.2021 had disclosed the fact that the first petitioner/Anand had forged the signature of Ganesh @ Ganesh Natarajan /A4 in 33 original FDR's and the second petitioner/ Venkadesh has authored some of the documents which were fraudulently created to facilitate siphoning of money into accounts of the link beneficiaries.

8. The outcome of the expert opinion is listed out in the counter affidavit filed by the Respondent Police.

9. According to the respondent, the first accused Sudalaimuthu along with three sons, had in tandem acted in the offence of siphoning of the Port Trust money by impersonation and out of sales proceeds, vast extent of land being purchased and the same has been the subject matter of ED investigation.

10. The Learned Special Public Prosecutor would further submitted that investigation is at very crucial stage with ramification and fraud amounts are lying in crime proceeds and they could not be traced in full and if the petitioners are released on



bail, it will hamper the course of investigation.

11. In view of the submissions made by the learned Special Public Prosecutor, this Court finds enough force in the said submissions. Hence, this Court is declined to entertain the bail petition.

12. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
25/04/2022

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 INSPECTOR OF POLICE,
CBI, ACB, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI JAIL,
COMPLEX II AT PUZHAI, CHENNAI.

+1 CC to M/S.MCGAN LAW FIRM Advocate on payment of necessary charges SR.NO.6275

CRL OP.9010/2022

Date :25/04/2022

TA-05/05/2022