



CrI.O.P.No.20590 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :06.09.2022

Pronounced on :09.09.2022

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.20590 of 2022

S.Kiyam Mohammed

.. Petitioner

/versus/

The Deputy Director,
Directorate of Enforcement,
Chennai Zone Office-II,
Govt.of India
5th Floor III Block B-Wing
Shastribhvan, Haddows Road,
Chennai 600 006,
Crime No.2 of 2021.

.. Respondent

Prayer: Criminal Original Petition has been filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in Spl.C.C.No.7 of 2021 on the file of ZII Additional Special Court for CBI Cases, Chennai.

For Petitioner	:Mr.D.Ferdinand for Mr.M.R.Sheik Abdul Rahim
For Respondent	:Mr.N.R.Ramesh Special Public Prosecutor (for Enforcement)



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ORDER

This is the fourth bail petition filed by S.Kiyam Mohammed, who is arrayed as 7th accused in Spl.C.C.No.7 of 2021 on the file of XII Additional Special Court for CBI Cases, Chennai.

2. In all the earlier three bail petitions, this Court has gone through the records and has found that the petitioner is not entitled for bail pending trial since there is every possibility of tampering the witnesses and evidence. The role of this petitioner as found from the evidence collected *prima facie* indicates that bank accounts were opened furnishing fabricated documents and thereafter, money to the tune of Rs.8 crores has been siphoned out to the foreign country and the money which so transferred found to be proceeds of crime. This Court vide order dated 16.03.2022 and 11.04.2022 had specifically detailed out the *prima facie* material against this petitioner and why the petitioner is not entitled for pre-trial bail.



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3. In this fourth bail petition, the petitioner has not stated any change of circumstances, which will entail him to grant bail. It is repeatedly contended by the petitioner that even according to the prosecution, he has only handed over some documents to the other accused, without knowing the content of the documents.

4. However, in the counter filed by the respondent, it is stated that the fabricated documents were created by this petitioner. The fabricated and forged documents were used to open the bank accounts in the name and style of M/s B K Electro Tool Products and it is in correct to say that his involvement in money laundering is only superficial. His retracted confession admitting handing over the documents related to M/s B.K. Electro Tool Products and receiving commission for his work and been carrying out the instruction of the deceased Jalaludeen, who was co-conspirator are sufficient to prosecute against this petitioner for his active role in the alleged money laundering.



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5. Taking note of the fact that the alleged proceeds of crime yet to be traced, this Court is of the view that granting of bail at this juncture will hamper the investigation from tracing the proceeds of crime. Hence, this Criminal Original Petition is dismissed.

09.09.2022

Index:yes/no

Speaking order/non speaking order
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To:

- 1.The XII Additional Special Court for CBI Cases at Chennai.
- 2.
- 3.The Central Prison at Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.
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Delivery Order made in
Crl.O.P.No.20590 of 2022

09.09.2022