Crl.O.P.No.24883 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners, who were arrested and remanded to judicial custody on 24.08.2022, for the offences punishable under Sections 120(B), 465, 468, 471, 419 and 420 of IPC, in Crime No.2 of 2022 on the file of the Chennai City 'Q' Branch CID, seek bail.

2. The brief facts of the case is that a credible information was received by S.Sankaralingam, Sub-Inspector of Police, 'Q' Branch CID, Chennai City to the effect that one V.Naveen, S/o.Vaithiyanathan residing at No.34/1, Gajapathy street, Shenoy Nagar, Chennai-30, Mohammed Irfan and Imran Khan of Bangalore have been purchasing bulk SIM cards in the name of different applicants by submitting forged KYC documents and sending them to China by concealing them Jeans pant with a malicious intention of using the SIM cards for committing financial frauds by hacking into the accounts of various customers in India and other frauds related to financial transactions. The IO has issued

notice under Section 91 Cr.P.C., to the Assistant Commissioner, Customs Air Cargo Courier cell, Meenampakkam International Airport, Chennai to hand over the "sim cards concealed" jeans pant parcel on 19.08.2022. Accordingly, the competent authority has handed over 223 sim cards of various service providers concealed in the jeans pant in the presence of individual witnesses under the cover of production mahazar on 20.08.2022 in which the sender's name was mentioned as A1.V.Naveen Vaithiyanathan, No.15/8, Harmony Apts., Bharathiyar Street, Aminjikarai, Chennai-600 029 and receiver's Address as Hu Kun Zhu, A-2, 1978, Cultural and creative Park, Tongguan District, Tongling City-244000, Anhui, China.

3. In the same manner, the Assistant Investigation Officer/Thiru. Chelladurai, Inspector of Police, 'Q' Branch CID, Erode District issued notice under Section 91 Cr.P.C., to the Supervisor, Service Centre, DHL Courier Private Ltd., Gandhi Nagar, 80 feet Scheme Road, Gandhi Nagar, Tiruppur. The sim card concealed shorts cloth

parcel was collected from the competent authority in which 195 sim cards concealed in the shorts were collected in the presence of individual witnesses under the cover of mahazar on the same day itself in which the sender's name is mentioned as A1.V.Naveen Vaithiyanathan 15/8, Harmony Apartment, Bharathiyar Street, Aminijikarai, Chennai 600 029 and the receiver address as Yu Yamin, 2402, Guanshanminngzhu, 24400, Tongling, China. Further, that on 20.08.2022 search warrants under Section 93 Cr.P.C., were obtained from the learned Judicial Magistrate No.I, Alandur to conduct searches in the House premises of A1/Naveen, the first Petitioner/Mohameed Irfan (A2) and the second Petitioner/Imran Khan (A3). On 22.08.2022, house search was conducted in the house of A1/Naveen in the presence of Official witnesses and 28 sim cards destined to China & Electronic Gadgets were seized. Subsequently, that on 22.08.2022, a Notice under section 41(A) of Criminal Procedure code 1973 was issued to the A1/Naveen by directing him to appear at the office of Q Branch CID, Chennai on 22.08.2022. As such he appeared in the office on 22.08.2022 and the preliminary enquiry revealed that

A1/Naveen has committed offence and hence, he was arrested by informing about his arrest. Further, Al/Naveen confessed voluntarily in the presence of official witnesses and the same was recorded. On 23.08.2022, he was remanded to the Judicial custody in accordance with law.

4. Subsequently, the Inspector of Police, 'Q' Branch CID, Dharmapuri District/Assistant Investigating Officer and the Inspector of Police, 'Q' Branch CID, Krishnagiri District/Assistant Investigating Officer are directed to conduct searches on 22.08.2022 in the house premises of A2/Mohameed Irfan and A3/Imran Khan respectively which are situated in Bangalore, Karnataka after duly endorsed by the Investigation officer on the warrant issued by the learned Judicial Magistrate No.01, Alandur, Chennai with proper instructions. During the house search conducted by the Inspector of Police, 'Q' Branch CID, Dharmapuri District at the residence of first petitioner/Mohameed Irfan (A2), 132 Sim cards, Laptop-1, External Hard Disc-1, Mobile Phones-5

and 2-Diaries in which the details of mobile numbers of the SIM cards which were already sent to China were seized in presence of witnesses. The Inspector of Police, 'Q' Branch CID, Krishnagiri District conducted house search at the residence of the second petitioner/Imran Khan (A3), 36 Sim Cards, Fingerprint Scanner-1, Electronic Gadgets and relevant materials were seized under the cover of Mahazar in presence of witnesses on the same day itself. On 23.08.2022, all case properties seized by the above said Inspectors were submitted to the IO along with the special reports and the search warrants were submitted in the learned Judicial Magistrate No.I, Alandur, Chennai on 24.08.2022. Thereafter, a Notice under section 41A of Cr.P.C.,1973 was issued to the first petitioner/Mohameed Irfan (A2) and the second petitioner/Imran Khan(A3) by directing them to appear at the office of Q Branch CID, Chennai on 24.08.2022. On their appearance, both were enquired at the office of 'Q' Branch CID, Chennai City and it reveals that the accused/Petitioners have committed the offence of procuring bulk Indian SIM card and send them to China for committing financial related offences, which causes a serious threat to the Internal security of the Nation. Hence, they were arrested by informing about their arrest. Further, both the accused/petitioners confessed voluntarily in the presence of official witnesses and the same was recorded and both were remanded to the Judicial custody in accordance with law.

5. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been deceived by the other accused without their knowledge. He would also submit that other than the confession statement recorded from the petitioners while they were in custody, no other materials have been shown by the prosecution to keep the petitioners under the continued detention. He would further submit that the petitioners are in custody from 24.08.2022 and they have a permanent residence. He would also submit that they are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioners.

6. The respondent Police have filed a detailed counter. The relevant paragraphs of the counter are extracted hereunder:-

> *"16. It is humbly submitted that, as per the confession statement of A2.Irfan/1st petitioner, a search warrant was obtained from the jurisdiction court under section 93 Cr.PC., house of Amjad@Mohamed Abdul Jabbar, Hyderabad to be conducted and Mr.Manivannan, Inspector of Police, 'Q' Branch CID, Thiruvallur District was directed to conduct a search in accordance with law and seized 362 sim cards in the presence of Private individuals. The seized properties were handed over to the IO along with a special report and the properties were submitted in the learned Jurisdiction court in Form-91.*
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> *17. It is submitted that, during the course of investigation, IO has taken effective steps to nab Amjad@Mohamed Abdul Jabbar of Hyderabad but ended in vain. A Look Out Circular (LOC) was already sent to FRRO, Hyderabad on 15.09.2022 to nab the above Amjad and received orders from the*

FRRO, Hyderabad on 19.09.2022. It is submitted that virtual shell companies were running with intend to cheat the Government of India from GST and other types of SCAM which led to affect the financial stability and internal security of the Indian Nation.

18. It is humbly submitted that investigation reveals that the petitioner No.01/A2.Mohameed Irfan's account number bearing 911020041479068(Axis Bank, Bangalore) was frozen by the CBCID, Chennai since amount of 13 Lakhs was transferred from a company namely H&S Ventures, Bangalore which has frequent transaction with China.

19. It is further submitted that, the remaining absconded accused A4.Hu Kun Zhu, Amjad@Mohamed Abdul Jabbar of Hyderabad, Takla of New Delhi and other related accused are yet to be nabbed.

20. It is submitted that, investigation so far done has given rise to staunch suspicion that activities and intentions of the individuals involved is not mere financial scam rather it indicates that there is every possibility that it is a covert tactical *operation to destabilize Indian economy, wage economic warfare and espionage activities through digital platforms backed by foreign elements. In this regard a requisition was sent by the respondent to the Financial Investigation Unit (FIU) of India on 02.09.2022 seeking to verify the foreign fund transfers and other financial transactions made in the name of A2-Mohammed irfan.*

21. It is submitted that, as part of our investigation, the other central and state sister agencies was queried for information pertaining to individuals involved including foreign elements. Financial transactions and critical information from FIU and Interpol are awaited which would shed light on the hidden agenda of the perpetrators.

22. It is submitted that, taking into the gravity of the offence and in interest of national security the respondent has also sent a communication to Director General of Military Intelligence (DGMI)/MI-II Integrated Headquarters of Ministry of Defence (Army), Government of India, New Delhi on 06.10.2022 seeking information regarding the sabotage and espionage activities.

> *23. It is submitted that, further a letter was addressed to International Police Cooperation Unit (IPCU), CBI, New Delhi on 06.10.2022 requesting to furnish the details of involvement of the accused persons in the above illegal activities."*

7. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that it is the case involving serious ramification affecting the security of the country. He would further submit that though the petitioners claim to be innocents, they are very well aware of the conspiracy made by the other accused. He would also submit that it is a case involving not only a threat to the security but also intended to destabilize the financial security of the country, thereby, affecting the economy of India. Further, he would submit that the investigation is in the preliminary stage and at this stage, if the bail is granted to the petitioners, it will derail the progress of the trial and there is every possibility of the petitioners interfering with the investigation. Therefore, he vehemently opposed for grant of bail to the petitioners.

8. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent Police.

9. It is the case where the petitioners are alleged to have procured bulk Indian SIM cards and attempted to smuggle them out of the country. The respondent Police has raised a staunch suspicion that the activities and intentions of the accused is not mere financial scam and it also indicates that there is every possibility of a covert tactical operation to destabilize Indian economy, wage economic warfare and espionage activities through digital platforms backed by foreign elements. Further it is also stated that if the petitioners are granted bail at this stage, it would affect the progress of the investigation and in such circumstances, this Court is not inclined to grant bail to the petitioners.

A.D.JAGADISH CHANDIRA, J.

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10. Accordingly, this Criminal Original Petition stands dismissed.

26.10.2022

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