



Crl.O.P.Nos.9941 & 9946 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

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THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.Nos.9941 & 9946 of 2023

State Rep. by
The Inspector of Police,
SPE, CBI, ACB, Chennai – 600 006.

... Petitioner in Crl.O.P.No.9941 of 2023

State Rep. by
The Superintendent of Police,
CBI : ACB : Chennai.

... Petitioner in Crl.O.P.No.9946 of 2023

Vs.

1.Boussiommo Steve Bertrand Yannick

...Respondent / Accused No.19

2.Musasa Ilunga Lucien @ Bo Bo

... Respondent / Accused No.20

COMMON PRAYER: Criminal Original Petitions filed under Section 439(2) of Cr.P.C., prayed to cancel the bail order passed by the IX Additional Special Court for CBI Cases, Chennai in Crl.M.P.Nos.9236 & 9237 of 2022 dated 27.12.2022 and 22.12.2022 respectively.



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For Petitioner : Mr.K.Srinivasan,
Spl. Public Prosecutor for CBI Cases,
in both Crl.O.Ps

For Respondent : Mr.R.Bhagawat Krishna,
in both Crl.O.Ps

COMMON ORDER

Both these petitioners have been filed by the prosecuting agency / CBI seeking cancellation of bail granted to the respondent herein / A19 and A20 by the IX Additional Special Judge for CBI Cases, Chennai in Crl.M.P.Nos.9236 of 2022 and 9237 of 2022 dated 27.12.2022 and 22.12.2022 respectively.

2.I must place on record deep appreciation for the learned Special Public Prosecutor, CBI, who stated that there is no grievance with respect to any violation of any condition imposed by the Court while granting bail for the 2nd respondent, post the bail order. They are appearing before the Court. They are both A19 and A20 in C.C.No.16 of 2022 now pending before the learned IX Additional Special Court for CBI Cases, Chennai.



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3.At this stage, it may not be prudent on my part to enter into any discussion on the merits of either the case of the prosecution or the merits of the defence. The only ground on which, the cancellation of bail is sought is to ensure the presence of the respondent / A19 and A20 during the judicial process. A fear is expressed that though both are citizens of Republic of Cameroon and Republic of Congo respectively, they do not have passport or visa for staying in this country and there is every possibility of surreptitiously renewing the passport and leaving the shores of this country and absconding from judicial process.

4.In this connection, the learned Special Public Prosecutor pointed out the opinion expressed by a learned Single Judge of this Court in **(2005) 5 CTC 762, Janarajan @ Krishnamurali Vs. State of Tamil Nadu, rep. by the Inspector of Police, Pamban Police Station, Ramanathapuram District**. In that particular order, the learned Single Judge was examining the issue of bail being granted to a person, who did not have any passport or visa to stay in this country. Taking that as a special circumstance, the learned Single Judge had held that bail should be rejected and should not be granted.



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5.Let me not go to the extreme extent of cancelling the bail to these two respondents, particularly when there is no ground made that they have not attended the Court hearing dates. They are attending the Court hearing dates.

6.The learned counsel also appeared on behalf of the respondents / A19 and A20 also placed on record the fact that they are appearing during all Court hearing dates.

7.As one additional condition, without entering into the right to move around with freedom and without curtailing the liberty granted in the order of bail, I would impose one additional condition that they should appear before the IX Additional Special Court for CBI Cases, Chennai on the first working day of every month quite apart from the Court hearing dates. If there is continuous absence of this appearance, on the first working day of every month, for two successive occasions, then necessary steps can be taken by the official respondent in accordance with law.

8.Holding as above, these Criminal Miscellaneous Petitions stand



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disposed of.

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smv

To

- 1.The IX Additional Special Court for CBI Cases, Chennai
- 2.The Inspector of Police,
SPE, CBI, ACB, Chennai – 600 006.
- 3.The Superintendent of Police,
CBI : ACB : Chennai.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.

smv



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