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Crl.O.P.No.8296 of 2023

Crl.O.P.No.8296 of 2023 and
Crl.M.P.No.8666 of 2023

A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent/ Police for the offences punishable under Sections 420, 465, 468, 34, 120(b) of IPC in Crime No. 140 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that during investigation conducted by Chennai Zonal Office in six cases of non-submission of Bills of entry, it is found that during the year 2011-2014 by some private individuals in connivance with the officials of Indus Ind Bank, opened several current accounts on the basis of KYC documents provided by the Hawala operators and allowing cash deposits, without making any enquiry of its genuineness and legitimate source of business by allowing cash deposits to the tune of Rs.5 Crores to Rs.10 Crores on daily basis into the accounts of fictitious proprietorship firms and produced forged bills of entry in lieu of proof of import, which were accepted without any verification and the outward remittance were regularized and closed, even without meeting the proprietors concerned, thereby they defrauded the



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exchequer to the tune of USD 1.06 billion dollars which is approximately amounting to Rs.5865 Crores. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has been arrayed as A2 in this case. A1 and A4 were arrested by the respondent police and later they were released on bail by the order passed by the court of Sessions at Chennai and when they were in judicial custody, the respondent police has not taken steps to take the accused under police custody. He would further submit that the Enforcement Directorate has also not formally arrested the other accused. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed on him. Hence, he would seek grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent has filed a detailed counter. He would submit that A1 to A3 along with other accused committed the offence of forgery by submitting 126 fake entries and cheated the Government to the



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tune of Rs.5865 Crores. He would further submit that the petitioner acted as Hawala agent. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Mr.N.Ramesh, learned Special Public Prosecutor appearing for the ED would submit that the petitioner is arrayed as A2 and he along with other accused had opened several fictitious accounts without any actual imports and they have remitted the amounts to the tune of Rs.5865 Crores to accounts in abroad. He would further submit that the investigation is pending.

7. Heard both sides and perused the materials available on record including the FIR.

8. Taking into consideration the facts and circumstances of the case that A1 and A4 were arrested and released on bail and that during the period of their judicial custody the respondent had not taken police custody and that no formal arrest was also made by the Enforcement



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Directorate during such time, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned CCB CB CID Special Court, Egmore, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties each for a like sum to the satisfaction of the respondent/Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioner shall report before the**



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respondent Police every day at 10.30 a.m., and also he shall report before the Enforcement Directorate, Chennai Zone-1 every day at 3.00 pm., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] Breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10. Accordingly, the Criminal Original Petition is ordered.



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Consequently, connected miscellaneous petition is also closed.

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