



CRL.O.P.No31493 of 2022

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WEB C **T.V.THAMILSELVI, J.**

The petitioner, who was arrested and remanded to judicial custody on 07.03.2022 for the offence punishable under Sections 4 of Prevention of Money Laundering Act, 2002 in connection with Spl.C.C.No.02 of 2022 on the file of the learned IX Additional Special Judge for CBI Cases, Chennai arising out of the registration of Enforcement Case Information Report (ECIR) No.CEZO-I/40/2020/Chennai-I, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused had committed the offence of fraud, forgery, impersonation, fabrication of false documents, using the forged documents as genuine and opened fixed deposits accounts in the name of Chennai Port Trust and subsequently, foreclosed the same and misappropriated the term deposits and thereby, committed the offence of criminal breach of trust to the tune of Rs.100 Crores deposited by Chennai Port Trust into koyambedu Branch of India Bank and thereby caused loss to the public money, which resulted in wrongful gain to them. Hence, the case.

3.The learned counsel for the petitioner would submit that this



CRL.O.P.No31493 of 2022

is the second petition seeking for bail. He would submit that the petitioner is arrayed as A22 and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would submit that the allegations levelled against him is not relevant and substantive to attract the ingredients of Sec.3 of PMLA Act to make him liable for the penal provision under Sec.4 of the Act and moreover, it is no way connected to the proceeds of the crime as contemplated under Sec.3 of PML Act, 2002. He would submit that the petitioner is in judicial custody for more than a year and that he was granted conditional bail for the scheduled offence in C.C.No.16 of 2022 on 27.10.2022 and the entire allegations are borne out by records, due to which the question of tampering and hampering the evidence does not arise. Hence, he prays to grant bail to the petitioner.

4.The learned Special public Prosecutor would submit that during the investigation, it was revealed that the petitioner allegedly helped one Sudalaimuthu (A1) in creating fake FD receipt based on the original FD receipt, which was obtained by one S.Gurunathan for opening of a fixed deposit of Rs.2000/- only from the Indian Bank, Koyambedu Branch. It is further revealed that A1 had colluded with A22 to prepare forged documents



such as Chennai Port Trust Profile, Board of Resolution, Authorization letter bearing the specimen signatures and rubber seal of self inking stamp of Chennai Port Trust Officials, Employee ID Card, forging/copying/scanning the signature of the Chennai Port Trust Officials in the Board Resolution and the authorization letter and fabricated official letter formate of Chennai Port Trust by suing the name of "Port of Chennai" and its logo and thus the petitioner had directed one Shafiq Ahamed to prepare fake documents in the aspects of Board Resolution, Authorization letter, Employee ID card, fixed deposit receipts. These documents were used for purpose of creating fake account bearing No.6867825525 in the name of Chennai Port Trust, for impersonation of one Ganesh Natarajan (A4) as official of Chennai Port Trust and also the fake FDRs were delivered to Chennai Port Trust against the investment made by them.

5. It is the further submission that the petitioner has claimed that he has not been taken a goods car by the prison authority and no medical facility was provided to him. This contention holds no merit as he has not produced any report/document in support of his claim. The prison authority has also not provided/submitted any material before the Competent



CRL.O.P.No31493 of 2022

Court reflecting that medical condition of the petitioner is unbearable and immediately need to cure the same. He would submit that the investigation has not been completed. Hence, he vehemently opposed to grant bail to the petitioner.

6. As pointed out by the learned Special Public Prosecutor that that there are no medical records to show that the poisonous insect bite suffered by the petitioner is life threatening.

7. In view of the above and considering the gravity of offence committed by the petitioner and that the investigation has not been completed, and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

02.02.2023

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CRL.O.P.No31493 of 2022

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