Crl.O.P. No.1633 of 2023

T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 25.04.2022 for the offence punishable under Sections 3, 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.45 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 he is attacked to Asst. Superintendent of Bill Section of Finance Department and he is not dealing with any matter in the drop box and to prove the same, the respondent has not examined his superior Mr.Balakumaran, Accounts Officer and Shoba Rajkumar, Asst. Superintendent of Securities Section, Chennai Port Trust and not recorded any statement from them. He would submit that 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 petitioner is in judicial custody for more than a year and that he has not participated in any process of bidding transactions related to the bank. Hence, he prayed to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the role of this petitioner is that he has committed the offence of money laundering by directly attempting to indulge and knowingly assisted and knowingly is a party and is actually involved in the process connected with the proceeds of crime including its possession, acquisition or use and projecting or claiming as untainted property in terms of Sec.3 of PMLA, 2002. He would further submit that he has handed over three fake FDR's to the approver, for which, he received illegal gratification of Rs.5,00,000/- from him and also received another sum of Rs.1,20,000/- in his bank account through CDM from A5 and A6. He would submit that during the investigation, it was revealed that the petitioner has received visiting card of Sermathiraja/A3 and handed over the same to Mr.Balakumaran, Accounts Officer. 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. He would submit that the investigation has not been completed and if he is released on bail, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. On seeing the facts, it reveals that this petitioner has committed the offence of money laundering by directly attempting to indulge and involved in the process connected with the proceeds of crime including its possession, acquisition or use and projecting or claiming as untainted property in terms of Sec.3 of PMLA, 2002 and also handed over three fake FDR's to the approver, for which, he received illegal gratification of Rs.5,00,000/- from him and also received another sum of Rs.1,20,000/- in his bank account through CDM from A5 and A6. Nearly about a sum of Rs.100 crores involved in this case and so far, a sum of Rs.60 crores recovered and remaining amount of Rs.40 crores is to be recovered. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner and if he is released on bail, there is possibility of tampering

the witnesses and hampering the investigation and further investigation is pending, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

27.01.2023

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