



CRL OP(MD). No.12390 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.07.2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12390 of 2023

1. Asmathkhan Ghori,

2. Amjathkhan Ghori,

... Petitioners/ Accused Nos.1 & 2

Vs

The State, represented by
The Deputy Director,
Directorate of Enforcement,
Government of India,
Ministry of Revenue,
Shastri Bhavan, 3rd Floor, 3rd Block,
No.26, Haddows Road, Chennai – 6.
(ECIR No.48 of 2010).

... Respondent/Complainant

For petitioners : Mr.Mohanasundaram.R,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in ECIR No.48 of 2010 on the file of the The Deputy Director, Directorate of Enforcement, Chennai.



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ORDER: The Court made the following order :-

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The petitioners/ Accused Nos.1 and 2, apprehending arrest at the hands of the respondent for the alleged offence punishable under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002, in ECIR No.48 of 2010 on the file of the The Deputy Director, Directorate of Enforcement, Chennai, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and other accused persons established the financial company and published propaganda on various plan schemes, by believing the said schemes, various depositors deposited their deposits in the said company name, thereafter, the amounts were not returned to the depositors. Hence, the complaint.

3. The learned counsel for the petitioners submitted that petitioners were released on bail and regularly appeared before the trial Court and co-operated with the hearings of the C.C.No.7 of 2017. Due to some family dispute, the petitioners did not appear for hearing before the said criminal case, hence NBW was issued against the petitioners on 20.12.2016.

4. The learned Additional Public Prosecutor for the respondent Police submitted that the petitioners facing charges before the learned II Additional District Judge (CBI Cases), Madurai, in C.C.No.7 of 2017 under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 and when the above said trial was



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undertaken, they remained absent, hence NBW was issued on 20.12.2016, but so far it has not been executed.

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5. The learned counsel for the petitioner would further submit that they will move the recall petition before the concerned Court and liberty may be granted to the petitioners.

6. Such a liberty is very much available to the petitioners to move the recall petition before the concerned Court. No specific direction is required to file a recall petition. Since the warrant is pending from 2016, the petitioners have to approach the concerned Court with facts and circumstances of this case for recalling the above said warrant.

7. With the above said observations, this Criminal Original Petition deserves dismissal and accordingly dismissed.

sd/-
07/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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- 1 THE DEPUTY DIRECTOR
DIRECTORATE OF ENFORCEMENT,
GOVERNMENT OF INDIA, MINISTRY OF REVENUE ,
SHASTRI BHAVAN, 3RD FLOOR, 3RD BLOCK,
NO.26, HADDOWS ROAD,
CHENNAI-6
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MOHANASUNDARAM, Advocate (SR-10414[I] dated 10/07/2023

ORDER

IN

CRL OP(MD) No.12390 of 2023

Date :07/07/2023

PKP/MMS/SAR- /25.07.2023/ 4P/4C

Madurai Bench of Madras High Court is issuing certified
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