Crl.O.P.No.1537 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/A1 seeks bail in Spl.C.C.No.7 of 2021 now pending trial before the learned XII Additional Special Judge for CBI Cases, Chennai.

2.The petitioner is alleged to have committed the offence under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 and he was arrested and remanded to judicial custody on 24.09.2021. Originally, a First Information Report was registered in Crime No.63 of 2017 under Section 45, 467, 468, 471 and 420 of IPC by CCB-1, Chennai, as against 8 entities and based on this FIR, the respondent had filed an ECIR vide No.CEZO/5/2017.

3.Let me first give, as an introduction, the very conduct of the learned counsel for the petitioner in insisting that this Court should hear the bail petition, particularly, when on the earlier occasion, when the matter came up before this Court on 25.03.2024 this Court had noted as follows:

> "*It is seen that the earlier applications seeking bail had been dismissed on 10.03.2022 by the Hon'ble Dr. Justice G. Jayachandran and on 29.02.2024, by the Hon'ble Mrs. Justice T.V. Thamilselvi respectively.*
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> *2.The Registry may examine the issue and get appropriate orders from the Hon'ble Chief Justice as to the Court in which the application seeking bail can be heard particularly, since with respect to another accused, this Court had granted bail much earlier on 13.01.2020 in Crl.O.P.No.22258 of 2019.*"

4.The matter was then placed before Hon'ble The Chief Justice and the Hon'ble Chief Justice had given the following direction:

> *"The subsequent bail application shall have to be heard by the same judge who had rejected earlier bail petition."*

5.It is seen that so far this particular petitioner is concerned

Hon'ble Dr. Justice G.Jayachandran had dismissed earlier two bail petitions and the Hon'ble Mrs. Justice T.V.Thamilselvi had dismissed earlier bail petition of the co-accused. Hon'ble Dr. Justice G.Jayachandran had also dismissed the bail petition of the other co-accused. Even though all these facts have been placed before the learned counsel for the petitioner, the learned counsel argued before this Court, insisting that this Court should hear the present petition for about half an hour.

6.The matter is simple. The petitioner is called S.R.Kavin Sidhaarth. He has an earlier name called Senthilkumar. He never had a name called B.Kannan. But putting his photograph in the name of B.Kannan, he had opened an account in the Indian Bank, Thousand Light Branch, Chennai, in the name of M/s.B.K.Electro Tool Products. However, the petitioner had put his signature as if of B.Kannan and impersonated B.Kannan.

7.After much difficulty, the respondent were able to trace out the person in the photograph, after knowing that it was not the actual

B.Kannan and finally, located this petitioner and arrested him.

8.As a matter of fact, this petitioner, in the name of Senthilkumar had yet another account and thereafter, had transferred amounts from the account of Senthilkumar, which is his earlier name, to the account of the M/s.B.K.Electro Tool Products. The amount transferred run into several crores. The actual amount transferred is Rs.8/- Crores.

9.The learned counsel for the petitioner states that, it is only a sum of Rs.8/- Crores, but however, Rs.8/- Crores is a substantial amount. The act of the petitioner in subscribing his photograph in the name of B.Kannan of M/s.B.K.Electro Tool Products, with which he has no manner of right or interest and permitting opening of a current account in that particular name itself shows the ingredient of an offence being committed.

10.Thereafter, with the opening of the account, the offence had been committed. It was consolidated by transfer of amounts from that account to a sum of Rs.4,78,39,852/-. There was yet another transfer of Rs.2,59,06,487/- from another account M/s.I Square Enterprises, which he operated in his, may be the original name or an alias name, Senthilkumar to the account of M/s.B.K.Electro Tool Products. This is exactly what money laundering is all about. It is layering the money and transferring it to various accounts, so that the trail will never be established and even if established, it will be in the name of fictitious persons. Fortunately, for the respondent, this petitioner had given his photograph and therefore, he was able to be identified.

11.The offence, thereafter, proceeded further with the bank namely, the Indian Bank, Thousand Light Branch, Chennai, ICICI Bank, Nungambakkam Branch, Chennai and amounts were transferred to and fro by this petitioner, one operating in the name of M/s.B.K.Electro Tool Products and the other operating in the name of M/s. I Square Enterprises, but in two different names viz., one as B.Kannan and the other as Senthilkumar.

12.A counter has also been filed by the respondent that the direct overtacts as against this petitioner are evident and they are part of records.

13.There need not be any oral evidence to substantiate the same, as it is now the petitioner, who will have to disown his own photograph, which is practically an impossible task and as he can be seen in flesh and blood and can be confronted with his photograph in the name of B.Kannan when his name is not at all B.Kannan. There is yet another photograph of his name of Senthilkumar. The learned counsel states that it was the earlier name of the petitioner and the present name of the petitioner is Kavin Sidhaarth. There are no records to produce that he had officially changed the name and also has a right to take up the name of B.Kannan.

14.All these issues will have to be disentangled and even though final report has been filed, the matter will have to be examined only during the course of trial. Let me not go into the facts any further. The facts stated above itself are sufficient to hold that prosecution will have to be granted an opportunity to establish the facts during the trial.

15.I would again reiterate that opportunity was granted to the learned counsel for the petitioner to argue the matter before the other learned Judge, who had dismissed the earlier bail petitions and the learned counsel had taken up the risk willingly and knowingly and with eyes open to argue the matter before this Court.

16.Observing as above, I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

29.04.2024

smv

C.V.KARTHIKEYAN, J.

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