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Crl.O.P.No.5389 of 2024

C.V.KARTHIKEYAN, J.

The petitioner / A1 in Spl.C.C.No.2 of 2022 now pending before the IX Additional Special Judge for CBI Cases at Chennai seeks bail.

2.The petitioner herein had been remanded to custody on 09.08.2021 in R.C.No.32/2020/A0006, which had been registered for the offences punishable under Sections 120-B r/w 409, 419, 420, 465, 467, 468, 471 and 477-A of IPC and Section 13(2) r/w 13(1)(a) of the Prevention of Corruption Act, 1988 (as amended in 2018). Thereafter, the respondent had registered an ECIR bearing No.CEZO-I/40/2020/Chennai-I for the offences punishable under Section 4 of the Prevention of Money Laundering Act, 2002. The respondent herein had then filed a private compliant before the learned IX Additional Special Judge for CBI Cases, Chennai.



3.Let me only state the outline facts of the case, since the facts will have to be analysed and determined on the basis of the evidence adduced during trial.

4.It is the case of the prosecution that this petitioner along with other accused had transferred amounts, which were lying as Fixed Deposit in the name of Chennai Port Trust to the Indian Bank at Koyambedu Branch and later misappropriated them and unlawfully gained a sum of Rs.45/- Crores.

5.It is however the contention of the learned Senior Counsel for the petitioner that the petitioner had been made a scape goat and is not directly involved in any of the offence.

6.It is however the case of the learned Special Public Prosecutor for the respondent that the petitioner was directly involved in the offence. It is also brought to the notice of this Court that he is also an accused in yet another case registered by the CBI, which is pending before the Special Court for CBI Cases, Coimbatore.

7.Those two facts alone are stated and I am not delving into any further details of the case.



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8.Be that as it may, the petitioner had been granted interim bail for a period of four months by order dated 26.10.2023 in CrI.M.P.No.8730 of 2023. This was so granted taking into consideration the medical condition of the petitioner. That period of four months expired on 26.02.2024. On 26.02.2024, the matter once again came up for consideration before the IX Additional Special Judge for CBI Cases at Chennai in CrI.M.P.No.858 of 2024 and the learned Judge had dismissed the said application granting bail.

9.The petitioner now is in Vekateswara Hospital, Tirunelveli and the learned Senior Counsel was insistent in his submissions that the petitioner is afflicted with serious ailments, which prevents him from moving around and is actually bedridden and therefore, there is no possibility of him ever absconding from judicial process or from influencing witnesses or from preventing investigation moving forward.

10.It is on those grounds that the bail is now sought. But taking into consideration that from 26.02.2024 onwards the period of interim bail had expired and even though the learned Trial Judge had only



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granted interim bail and not bail for the petitioner herein and had passed a detailed order, as to why interim bail alone was granted and not bail was granted, this Criminal Original Petition stands dismissed. The respondent is at liberty to take the petitioner into custody.

11. But however, the respondent have a duty and an obligation and are also directed to produce the petitioner, on taking him into custody before the Dean, Government Madurai Medical College and Rajaji Hospital at Madurai and a request is placed before the Dean to examine the medical condition of the petitioner with a panel of specialised doctors who are specialised in Neurology, ENT and Diabetology and by any other medical professional, if required. It would be appreciated if the Dean of Government Madurai Medical College and Rajaji Hospital, Madurai, were to initially examine the petitioner and then take the assistance of such other medical professionals as required and form a Board to examine the petitioner.

12. A report can be forwarded by the Dean, Government Madurai Medical College and Rajaji Hospital, Madurai, to the IX Additional Special Court for CBI Cases, Chennai. The petitioner is also



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at liberty to workout his remedies depending on the nature of report
given by the Dean.

27.03.2024

smv



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smv

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