IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 13.11.2024

Delivered on : 19.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

**Crl.O.P. Nos.19549, 19551, 19552 and 21319 of 2024**

Vijayraj Surana ... Petitioner in Crl.O.P. Nos.19549, 19551 & 19552 of 2024

Dineshchand Surana ... Petitioner in Crl.O.P.No.21319 of 2024

Vs.

Assistant Director,
Enforcement Directorate,
Chennai I Zonal Office,
No.3 & 4, Murugesa Naicker
Office Complex,
84, Greams Road,
Thousand Light,
Chennai 600 006. ... Respondent in all the cases.

PRAYERS:

Criminal Original Petition No.19549 of 2024 filed under Section 483 of BNSS, 2023, seeking enlargement of the petitioner on bail in Spl.C.C.No.10 of 2022 on the file of the XIV Additional Special Court for CBI Cases, Chennai in ECIR/CEZO-I/42/2020 registered under the Prevention of Money Laundering Act at Assistant Director, Enforcement Directorate, Chennai-I Zonal Office.

Criminal Original Petition No.19551 of 2024 filed under Section 483 of BNSS, 2023, seeking enlargement of the petitioner on bail in Spl.C.C.No.9 of 2022 on the file of the XIV Additional Special Court for CBI Cases, Chennai in

ECIR/CEZO-I/05/2019 registered under the Prevention of Money Laundering Act at Assistant Director, Enforcement Directorate, Chennai-I Zonal Office.

Criminal Original Petition No.19552 of 2024 filed under Section 483 of BNSS, 2023, seeking enlargement of the petitioner on bail in Spl.C.C.No.11 of 2022 on the file of the XIV Additional Special Court for CBI Cases, Chennai in ECIR/CEZO-I/37/2020 registered under the Prevention of Money Laundering Act at Assistant Director, Enforcement Directorate, Chennai-I Zonal Office.

Criminal Original Petition No.21319 of 2024 filed under Section 439 of Cr.P.C. read with Section 45 of Prevention of Money Laundering Act, 2002 seeking enlargement of the petitioner on bail in Spl.C.C.No.10 of 2022 on the file of the XIV Additional Special Court for CBI Cases, Chennai in ECIR/CEZO-I/42/2020 registered under the Prevention of Money Laundering Act at Assistant Director, Enforcement Directorate, Chennai-I Zonal Office.

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|---|---|
| For Appellant in Crl.O.P. Nos.19549, 19551 & 19552 of 2024 | : Mr.K.Raghavacharyalu, Senior Counsel & Mr.M.R.Venkatesh for Mr.G.Guruprasath |
| For petitioner in Crl.O.P. No.21319/2024 | : Mr.R.John Sathyan, Senior Counsel for Mr.M.Mohammed Riyaz |
| For Respondent | : Mr.AR.L.Sundaresan, Additional Solicitor General assisted by Mr.N.Ramesh, Special Public Prosecutor for ED. |

**COMMON ORDER**

The petitions in Crl.O.P. Nos.19549, 19551, 19552 of 2024 have been filed by A2-Vijayraj Surana, who had been arrested on 12.7.2022 and remanded to judicial custody on 13.7.2022 for the offence punishable under Section 4 of the Prevention of Money Laundering Act, 2002, recorded in ECIR Nos.CEZO-I/05/2019, CEZOI/37/2020 and CEZO-I/42/2020, seeking their enlargement on bail in connection with Spl.C.C.Nos.9, 10 & 11 of 2022, pending trial, on the file of the XIV Additional Special Judge for CBI Cases, Chennai.

2. The petition in Crl.O.P.No.21319 of 2024 has been filed by A1-Dineshchand Surana, who had been arrested on 12.7.2022 and remanded to judicial custody on 13.7.2022 for the offence punishable under Section 4 of the Prevention of Money Laundering Act, 2002, recorded in ECIR No.CEZO-I/42/2020, seeking his enlargement on bail in connection with Spl.C.C.No.10 of 2022, pending trial, on the file of the XIV Additional Special Judge for CBI Cases, Chennai.

3. Brief facts of the case:-

i) The law was set in motion by registration of three separate complaints dated 01.11.2019, 8.9.2020 and 8.10.2020 by the Central Bureau of Investigation, Banking Fraud & Securities Branch, Bangalore, against (i)Surana Industries Ltd and Promoters and Directors (ii)Surana Power Ltd and others and (iii)Surana Corporation Ltd. and others at the instance of the Bankers viz., IDBI and State Bank of India on their behalf and on behalf of other consortium lenders.

ii) The allegation levelled against the accused was that they had been indulging in misappropriation and criminal breach of trust, manipulation of books of accounts through fictitious accounts and conversion of property and thereby they had caused a huge loss to 12 Public Sector Banks led by M/s.IDBI and wrongful gains to themselves and committed offences punishable under Sections 120-B read with Sections 420, 467, 468 and 471 IPC and Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act, 1988 .

iii) Finding a prima facie case of money laundering against them, the ECIRs were recorded against them.

iv) Apart from CBI registering the offence, the Serious Fraud Investigation Office (SFIO) registered complaints against them pursuant to the Report of the DGIT and ROC Report, under Section 212(6) of the Companies Act, 2013 much before registration of FIR by CBI and recording of ECIR.

v) On completion of investigation, SFIO had filed its charge sheet on 9.9.2022 before the XV Additional City Civil Court, Chennai and the petitioner was arrested by SFIO and is under judicial custody from 2.8.2022. The allegation therein against the management personnel of the three Companies is that by making false representations pertaining to revenue generation, share capital contribution and profitability of Surana GOC, based on which, public sector banks had lend monies to them and the total adjudicated financial liability of the three companies is Rs.10,238 crores, out of which, dues to financial creditors is Rs.8006 crore as adjudicated by the respective liquidators appointed under IBC and against this liability, the valuation of assets of the three companies valued multiple times by qualified technical valuers shows the asset value to range between 215 crores to 645 crores i.e., they can only satisfy 2 to 6% of the liabilities and the remaining are losses to creditors, majority of which are public sector banks.

vi) The petitioner-Vijayraj Surana, being one of the Promoters of M/s.Surana Industries Limited and the petitioner-Dineshchand Surana, claimed to be a shareholder of Surana Corporation Limited and Managing Director of Surana Industries Limited and Surana Power Limited, have come up with the present bail petitions seeking enlargement of them on bail.

vii) The petitioners, having not suffered any previous conviction and having undergone 28 months of incarceration, which is 1/3 of the maximum sentence, are entitled to bail in view of the first Proviso to Section 479(1) of BNSS, 2023, which specifically says that where such person is a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by the Court, if he has undergone detention for the period extending up to **one-third of the maximum period of imprisonment** specified for such offence under that law.

4. Heard Mr.K.Ragavacharyalu, learned Senior Counsel for the petitioner in Crl.O.P. Nos.19549, 19551 and 19552 of 2024, Mr.R.John Sathyan, learned Senior Counsel for the petitioner in Crl.O.P. No.21319/2024 and

Mr.AR.L.Sundaresan, learned Additional Solicitor General assisted by Mr.N.Ramesh, learned Special Public Prosecutor for ED and perused the counter filed on behalf of the respondent.

5. The crux of the submissions made by the learned Senior Counsel appearing for the respective petitioners is as under:-

i) The petitioners are innocent and they are falsely implicated in the cases.

ii) Based on the FIRs filed by the CBI, ECIRs were recorded by the Enforcement Directorate and the petitioners were arrested on 12.7.2022 and remanded on 13.7.2022. In the meanwhile, the Serious Fraud Investigation Office (SFIO) had registered complaints on 28.3.2019 pursuant to the report of the DGIT and ROC Report under Section 212(6) of the Companies At, 2013 and on completion of investigation, filed its charge sheet on 9.9.2022, which is pending on the file of XV Additional City Civil Court, Chennai and the petitioner were arrested therein on 2.8.2022 and remanded to judicial custody. Whileso, the petitioners had filed quash petition in Crl.O.P.Nos.4006 of 2024, 5333 of 2023 and 5354 of 2023, wherein the FIRs registered for the predicate offences came to be quashed by orders dated 25.4.2024 and 15.4.2024.

iii) The investigation under PMLA cannot survive once the FIR is quashed in view of the dictum laid down in ***Vijay Madanlal Choudhry vs. Union of India*** (2023) 12 SCC 1. When the FIRs came to be quashed by the

High Court of Karnataka, registration of ECIR itself is invalid.

iv) The respondent had issued three provisional attachment orders till date with respect to the "proceeds of crime" first on 1.8.2022 i.e. before filing the charge sheet, second on 26.12.2022 and third on 29.5.2023 i.e., after filing of incomplete complaint and no amount was attached since the petitioners were not in possession of any "proceeds of crime".

v) Despite there being a direction of this court dated 15.12.2023 in Crl.R.C.Nos.890, 975, 976, 1026, 1029 and 1030 of 2023 to complete the trial within a period of six months from the date of receipt of that order, not even charges have been framed.

vi) The petitioners have been undergoing a very long incarceration from 12.7.2022 as under-trial prisoners, whereas trial under the PMLA proceedings is still at the stage of framing of charges and there is no likelihood of conclusion of trial in the near future, especially, when the complaint in the subject matter has over 35 volumes of supporting documents and the respondent is still continuing with the investigation for tracing of further proceeds of crime.

vii) A bail petition moved before the Principal Sessions Judge (Special Court for PMLA Cases), Chennai was dismissed on 17.8.2022 without appreciating the facts in its entirety and without assigning any valid reasons.

viii) A co-accused viz., Prabhakaran was granted bail by this court by order dated 30.8.2023 and another co-accused by name Anand was granted bail by order dated 31.10.2023.

ix) The petitioners are law abiding citizens and they are ready to abide by any condition that may be imposed by this court and crave for indulgence of this court in granting bail to the petitioners.

6. The arguments of the learned Additional Solicitor General is a nutshell are as under:-

i) The investigations reveal the active participation of the petitioners in commission of offence alleged against them. They had indulged in the offences through a web of dummy companies wherein only paper transactions were there without any actual movement of goods in order to adjust the turnover, inflate the turn over, route the loan amount and ultimately divert the said fund.

ii) Further, the investigation so far has unearthed proceeds of crime involving movable and immovable properties to the tune of around Rs.249 crores and went to prove that the accused were directly involved in the process of activity connected with the proceeds of crime including ti concealment, possession, acquisition or use and projecting or claiming them as untainted properties and thus they have committed the offence of money laundering under Section 2(1)(p) read with Section 3 of PMLA, 2002 punishable under Section 4 of the said Act read with Section 70 of PMLA, 2002.

iii) The investigation conducted so far reveals that the petitioners are habitual offenders and they have not come with clean hands as they are being proceeded with by DRI and SEBI and Income Tax authorities are also investigating the matter of tax evasion by the three Companies and hence, a strong apprehension arises that there is every likelihood of the petitioners committing the offene of money laundering in the event of release of them on bail and tampering of evidence and influencing the witnesses and thereby, the petitioners do not satisfy the twin conditions imposed for grant of bail under Section 45(1) of PMLA, 2002.

iv) The petitioners had earlier filed bail application before this court, which were rejected and thereafter, there is no change of circumstances, which is a mandate for considering the successive bail application.

v) Though the original FIRs came to be quashed by the High Court of Karnataka, the ECIRs have not been quashed till date by any Court. The PMLA being *su-generis* legislation and offence under Section 3 of PMLA is a standalone offence and it is independent.

vi) The predicate offence under Section 447 of the Companies Act, 2013 being still pending and not quashed, there is no impediment for the action initiated by the ED and thereby the petitions seeking bail are liable to be dismissed.

7. The petitioners had been arrested on 12.7.2022 for the offence punishable under Section 4 of PMLA and remanded to judicial custody on 13.7.2022 and till now, they are undergoing incarceration as under-trial prisoners. While the present petitions being filed seeking bail, a voluminous materials have been produced by the petitioners as well as the respondent touching the merits of the case in depth. However, considering the long

incarceration of the petitioners, which aspect has been dealt with by Apex Court for grant of bail in the cases of offence punishable under the provisions of PMLA in the recent decisions, this court feels that it is suffice to consider that aspect without going into the merits of the case at this stage.

8. In ***Manish Sisodia vs. Directorate of Enforcement (DB)*** (2024 SCC OnLine SC 1920), the Apex Court has held as under:-

> *"... over a period of time, the trial courts and the High Courts have forgotten a very well settled principle of law that bail is not to be withheld as a punishment. From our experience, we can say that it appears that the trial courts and the High Courts attempt to play safe in matters of grant of bail. The principle that bail is a rule and refusal is an exception is, at times, followed in breach. On account of non-grant of bail even in straight forward open and shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial courts and the High Courts should recognize the principle that "bail is rule and jail is exception".*
>
> *54. In the present case, in the ED matter as well as the CBI matter, 493 witnesses have been named. The case involves thousands of pages of documents and over a lakh pages of digitized documents. It is thus clear that there is*

*not even the remotest possibility of the trial being concluded in the near future. In our view, keeping the appellant behind the bars for an unlimited period of time in the hope of speedy completion of trial would deprive his fundamental right to liberty under Article 21 of the Constitution. As observed time and again, the prolonged incarceration before being pronounced guilty of an offence should not be permitted to become punishment without trial."*

9. In ***Ramkripal Meena vs. Directorate of Enforcement*** (Special Leave to Appeal (Crl.) No.3205 of 2024 dated 30.7.2024), the Hon'ble Supreme Court has held as under:-

*"7. Adverting to the prayer for grant of bail in the instant case, it is pointed out by learned counsel for ED that the complaint case is at the stage of framing of charges and 24 witnesses are proposed to be examined. The conclusion of proceedings, thus, will take some reasonable time. The petitioner has already been in custody for more than a year. Taking into consideration the period spent in custody and there being no likelihood of conclusion of trial within a short span, coupled with the fact that the petitioner is already on bail in the predicate offence, and keeping in view the peculiar facts and circumstances of this case, it seems to us*

*that the rigours of Section 45 of the Act can be suitably relaxed to afford conditional liberty to the petitioner. Ordered accordingly."*

10. Relying on the decision in ***Manish Sisodia*** case, the Apex Court in another case viz., ***V.Senthil Blaji vs. The Deputy Director, Directorate of Enforcement*** (Criminal Appeal No.4011 of 2024 dated 26.9.2024), has held as under:-

*"24. There are a few penal statutes that make a departure from the provisions of Sections 437, 438, and 439 of the Code of Criminal Procedure, 1973. A higher threshold is provided in these statutes for the grant of bail. By way of illustration, we may refer to Section 45(1)(ii) of PMLA, proviso to Section 43D(5) of the Unlawful Activities (Prevention) Act, 1967 and Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act'). The provisions regarding bail in some of such statutes start with a non-obstante clause for overriding the provisions of Sections 437 to 439 of the CrPC. The legislature has done so to secure the object of making the penal provisions in such enactments. For example, the PMLA provides for Section 45(1)(ii) as money laundering poses a serious threat not only to the country's financial system but also to its integrity and sovereignty.*



*25. Considering the gravity of the offences in such* *statutes, expeditious disposal of trials for the crimes under these statutes is contemplated. Moreover, such statutes contain provisions laying down higher threshold for the grant of bail. The expeditious disposal of the trial is also warranted considering the higher threshold set for the grant of bail. Hence, the requirement of expeditious disposal of cases must be read into these statutes. Inordinate delay in the conclusion of the trial and the higher threshold for the grant of bail cannot go together. It is a well-settled principle of our criminal jurisprudence that "bail is the rule, and jail is the exception." These stringent provisions regarding the grant of bail, such as Section 45(1)(iii) of the PMLA, cannot become a tool which can be used to incarcerate the accused without trial for an unreasonably long time.*

*26. There are a series of decisions of this Court starting from the decision in the case of K.A. Najeeb, which hold that such stringent provisions for the grant of bail do not take away the power of Constitutional Courts to grant bail on the grounds of violation of Part III of the Constitution of India. We have already referred to paragraph 17 of the said decision, which lays down that the rigours of such provisions will melt down where there is no likelihood of trial being completed in a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence. One of the reasons is that if, because of such provisions, incarceration* *of an undertrial accused is continued for an unreasonably long time, the provisions may be exposed to the vice of being violative of Article 21 of the Constitution of India.*

*27. Under the Statutes like PMLA, the minimum sentence is three years, and the maximum is seven years. The minimum sentence is higher when the scheduled offence is under the NDPS Act. When the trial of the complaint under PMLA is likely to prolong beyond reasonable limits, the Constitutional Courts will have to consider exercising their powers to grant bail. The reason is that Section 45(1)(ii) does not confer power on the State to detain an accused for an unreasonably long time, especially when there is no possibility of trial concluding within a reasonable time. What a reasonable time is will depend on the provisions under which the accused is being tried and other factors. One of the most relevant factor is the duration of the minimum and maximum sentence for the offence. Another important consideration is the higher threshold or stringent conditions which a statute provides for the grant of bail. Even an outer limit provided by the relevant law for the completion of the trial, if any, is also a factor to be considered. The extraordinary powers, as held in the case of K.A. Najeeb, can only be exercised by the Constitutional Courts. The Judges of the Constitutional Courts have vast experience. Based on the facts on record, if the Judges conclude that there is no possibility of a* *trial concluding in a reasonable time, the power of granting bail can always be exercised by the Constitutional Courts on the grounds of violation of Part III of the Constitution of India notwithstanding the statutory provisions. The Constitutional Courts can always exercise its jurisdiction under Article 32 or Article 226, as the case may be. The Constitutional Courts have to bear in mind while dealing with the cases under the PMLA that, except in a few exceptional cases, the maximum sentence can be of seven years. The Constitutional Courts cannot allow provisions like Section 45(1)(ii) to become instruments in the hands of the ED to continue incarceration for a long time when there is no possibility of a trial of the scheduled offence and the PMLA offence concluding within a reasonable time. If the Constitutional Courts do not exercise their jurisdiction in such cases, the rights of the undertrials under Article 21 of the Constitution of India will be defeated. In a given case, if an undue delay in the disposal of the trial of scheduled offences or disposal of trial under the PMLA can be substantially attributed to the accused, the Constitutional Courts can always decline to exercise jurisdiction to issue prerogative writs. An exception will also be in a case where, considering the antecedents of the accused, there is every possibility of the accused becoming a real threat to society if enlarged on bail. The jurisdiction to issue prerogative writs is always discretionary.*

*28. Some day, the courts, especially the Constitutional Courts, will have to take a call on a peculiar situation that arises in our justice delivery system. There are cases where clean acquittal is granted by the criminal courts to the accused after very long incarceration as an undertrial. When we say clean acquittal, we are excluding the cases where the witnesses have turned hostile or there is a bona fide defective investigation. In such cases of clean acquittal, crucial years in the life of the accused are lost. In a given case, it may amount to violation of rights of the accused under Article 21 of the Constitution which may give rise to a claim for compensation.*

*29. As stated earlier, the appellant has been incarcerated for 15 months or more for the offence punishable under the PMLA. In the facts of the case, the trial of the scheduled offences and, consequently, the PMLA offence is not likely to be completed in three to four years or even more. If the appellant's detention is continued, it will amount to an infringement of his fundamental right under Article 21 of the Constitution of India of speedy trial."*

11. Further, as rightly pointed out by the learned Senior Counsel appearing for the petitioners the first Proviso to Section 479(1) of BNSS, 2023, specifically says that in case of a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by

the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law. The said legal provision reads thus:-

> "***479. Maximum period for which undertrial prisoner can be detained.***
>
> *(1) Where a person has, during the period of investigation, inquiry or trial under this Sanhita of an offence under any law (not being an offence for which the punishment of death or life imprisonment has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on bail:Provided that where such person is a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law."*

12. Following the above legal provision, the Apex Court has granted bail in a PMLA case in ***Badshah Majid Malik vs. Directorate of Enforcement and others*** (Unnumbered Criminal Appeal of 2024 arising out of SLP (Crl.)

No.10846 of 2024 dated 18.10.2024). Guided by the ratio laid down therein, this court, in ***Ahmed A.R.Buhari vs. State rep. by the Assistant Director, Directorate of Enforcement*** (Crl.O.P.No.25602 of 2024 dated 24.10.2024) has granted bail in a case of PMLA.

13. Of course, the twin conditions stipulated under Section 45 of PMLA need to be complied with for grant of bail for the offences punishable under PMLA. However, clarifying on this aspect, the Apex Court has held in ***Prem Prakash vs. Union of India through the Directorate of Enforcement*** (Criminal Appeal No. 3572 of 2024 arising out of SLP (Crl.) No.5416 of 2024 decided on 28.08.2024) that where the accused has been in custody for a considerable number of months and there being no likelihood of conclusion of trial within a short span, the rigors of Section 45 of PMLA can be suitably relaxed to afford conditional liberty. The relevant observation, in this regard, is extracted as under:-

> *""11....All that Section 45 of PMLA mentions is that certain conditions are to be satisfied. The principle that, "bail is the rule and jail is the exception" is only a paraphrasing of Article 21 of India, which states that no person shall be deprived of his life or personal liberty except according to the procedure established by law. Liberty of the individual is always a Rule and deprivation is the exception. Deprivation can only be by the procedure established by law, which has to be a valid and reasonable procedure. Section 45 of PMLA by imposing twin*

*conditions does not re-write this principle to mean that deprivation is the norm and liberty is the exception. As set out earlier, all that is required is that in cases where bail is subject to the satisfaction of twin conditions, those conditions must be satisfied.*

*12. Independently and as has been emphatically reiterated in Manish Sisodia (II) (supra) relying on Ramkripal Meena v. Directorate of Enforcement (SLP (Crl.) No. 3205 of 2024 dated 30.07.2024) and Javed Gulam Nabi Shaikh Vs. State of Maharashtra 2024 SCC OnLine SC 1693, where the accused has already been in custody for a considerable number of months and there being no likelihood of conclusion of trial within a short span, the rigours of Section 45 of PMLA can be suitably relaxed to afford conditional liberty. Further, Manish Sisodia (II) reiterated the holding in Javed Gulam Nabi Sheikh (supra), that keeping persons behind the bars for unlimited periods of time in the hope of speedy completion of trial would deprive the fundamental right of persons under Article 21 of the Constitution of India and that prolonged incarceration before being pronounced guilty ought not to be permitted to become the punishment without trial.*

....... ....... .......

*It is in this background that Section 45 of PMLA needs to be understood and applied. Article 21 being a higher* *constitutional right, statutory provisions should align themselves to the said higher constitutional edict."*

14. In ***Vijay Nair Versus Directorate of Enforcement, in SLP (Crl.) Diary No.22137/2024 decided on 02.09.2024*** the Hon'ble Supreme Court has held as under:-

> *"12. Here the accused is lodged in jail for a considerable period and there is little possibility of trial reaching finality in the near future. The liberty guaranteed under Article 21 of the Constitution does not get abrogated even for special statutes where the threshold twin bar is provided and such statutes, in our opinion, cannot carve out an exception to the principle of bail being the rule and jail being the exception. The cardinal principle of bail being the rule and jail being the exception will be entirely defeated if the petitioner is kept in custody as an under-trial for such a long duration. This is particularly glaring since in the event of conviction, the maximum sentence prescribed is only 7 years for the offence of money laundering."*

15. Relying on the above ratios, the Punjab and Haryana High Court in a recent decision in ***Jaswant Singh vs. Directorate of Enforcement*** (CRM-M-47578-2024 dated 4.11.2024) has granted bail to an accused under PMLA.

16. In the case on hand, the petitioners have already undergone 28 months of imprisonment as under trial prisoner, which is more than 3/4 of the minimum punishment and 1/3 of the maximum punishment that could, if at all, be imposed on the petitioners for the offences alleged against them. Still, the trial has to go on the basis of voluminous documents running to several thousands of pages by examining several witnesses. In such circumstances, this court is of the view that there is no likelihood of the trial getting completed in the near future. Therefore, it may not be appropriate to sustain the incarceration of the petitioners as under trial prisoners any longer and thereby this court is inclined to grant bail to the petitioners, if their detention is not required in connection with any other case, subject to the following conditions:-

(a) The Petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a likesum to the satisfaction of the XIV Additional Special Court for CBI Cases, Special Judge to deal with Trial of Offences under PMLA Act, Chennai;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety and the learned Special Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall appear before the Trial Court on all hearing days at 10.30 am without fail;

(d) the petitioners shall surrender their passports, if not already done and shall not leave India without prior permission of this court;

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond during trial;

(g) the petitioners shall not tamper with evidence or witness during trial;

(h) on breach of any of the aforesaid conditions, the learned Special Judge is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioner released on bail by the learned Special Judge himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala*** [(2005)AIR SCW 5560];

(i) If the petitioners adopt any dilatory tactics, the prosecution is liberty to file an application for cancellation of bail.

(j) if the petitioners abscond during bail, a fresh FIR can be registered under Section 269 of BNS.

17. With the above directions, this Criminal Original Petitions are ordered.

**19.11.2024**

Index : Yes / No
Speaking / Non-speaking
ssk.

To

1. XIV Additional Special Court
   for CBI Cases,
   Special Judge to deal with
   Trial of Offences under PMLA Act,

Chennai.

2. Assistant Director,
Enforcement Directorate,
Chennai I Zonal Office,
No.3 & 4, Murugesa Naicker
Office Complex,
84, Greams Road,
Thousand Light,
Chennai 600 006.

3. The Superintendent,
Central Prison,
Puzhal, Chennai.

4. The Special Public Prosecutor for ED
High Court of Madras.

**A.D.JAGADISH CHANDIRA,J.**

ssk.

**P.D. ORDER IN**
**Crl.O.P. Nos.19549, 19551,**
**19552 and 21319 of 2024**

**Delivered on**
**19.11.2024**