

CRL OP(MD). No.5315 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 25.06.2025

Pronounced on : 05.08.2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.5315 of 2025

Amjath Khan Ghori (M-46)
S/o.Mohamed Ismail Ghori

..Petitioner/ Accused No.2

Vs

The State Rep. by
The Deputy Director,T
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.S.A.S.Alaudeen
Advocate.

For Respondent : Mr.K.Govindarajan
Deputy Solicitor General of India

PETITION FOR BAIL Under Sec.483 of BNSS



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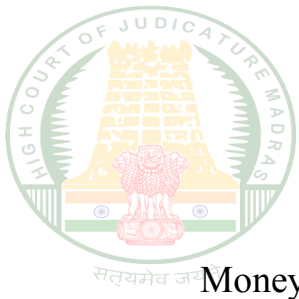
PRAYER :- For Bail in C.C.No.07 of 2024 on the file of the learned Additional District Judge No.II for CBI Case, Madurai.

ORDER

The petitioner has filed this petition for seeking bail in C.C.No.7 of 2024 on the file of the II Additional District Court (CBI Cases), Madurai.

2. The prosecution case :

The petitioner is Accused No.2 in this case. The petitioner, along with Accused No.1/Asmath Ghor, had run the financial establishment in the name of M/s Green Life in Coimbatore during the year 2010. They issued pamphlets in the local area inviting deposits from the general public with false promises that the deposit amount would be returned with huge interest, which was known to them that it was not possible. Such notice was come across by one M.Chinnamuthu, Sub Inspector of Police, CCB, Coimbatore and on the basis of his complaint a case was registered in Crime No.35 of 2010 on 14.04.2010 by CCB, Coimbatore against the said Asmath Ghor (A1) and the petitioner Amjath Khan Ghor (A2) and others for the offences under Sections 4 and 5 of Prize Chits and

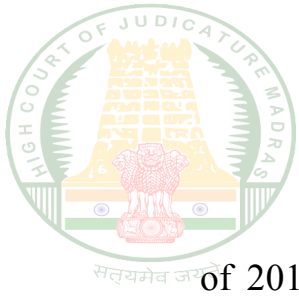


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Money Circulation Scheme (Banning) Act, 1978 and under Section 420 r/w Section 511 of IPC. Since Section 420 of IPC is a scheduled offence, on 23.04.2010, the respondent Enforcement Directorate, Chennai, registered a case against the petitioner and other accused in F.No.ECIR/48/CZ/C/PMLA/2010 for the offences under Section 3 r/w 4 of the PMLA Act. After completing the investigation, the respondent Enforcement Directorate has filed the final report/complaint before the learned Principal District Judge, Madurai, against eight accused and the same was taken on file as C.C.No.3 of 2014 by the learned Principal District Judge, Madurai, against A1 to A8 for the offences under Section 3 r/w 4 of the PMLA Act. Though the petitioner and A1, A3 to A6 were on regular bail, later they were absent for several hearings, so NBWs were issued against them in C.C.No.3 of 2014. Since the same were pending for a long period, the case against A1 to A6 was split up as C.C.No.1 of 2017 from C.C.No.3 of 2014 on 20.02.2017. The case in C.C.No.3 of 2014 was pending against A7 & A8.

2.1 Later, on the constitution of the Additional Special Courts for PMLA cases, on 14.07.2017, the cases in C.C.No.3 of 2014 and C.C.No.1

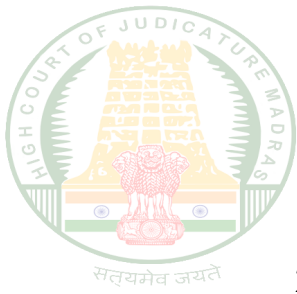


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of 2017 on the file of the Principal District & Sessions Court, Madurai, were transferred to II-Additional District Court (CBI Cum PMLA Act), Madurai. The case in C.C.No.3 of 2014 was renumbered as C.C.No.6 of 2017 against A7 and A8. The case in C.C.No.1 of 2017 was renumbered as C.C.No.7 of 2017 against absconding A1 to A6 and issued NBW against them, in which the petitioner was A2. In the meantime, the case against A6 was quashed by this Court. Thereafter, NBWs pending unexecuted for a long period, the case in C.C.No.7 of 2017 was treated as Long Pending Case in LPC.No.1/2022 upon the petition filed by the respondent police.

2.2. While the facts being so, the respondent came to know that the petitioner was in prison relating to some other case, on PT warrant against pending NBW, the petitioner was produced on 24.12.2024 and again the case against him restored from LPC No.1/2022 and it was taken on file as C.C.No.7 of 2024 by the II Additional District Court (CBI Cases and PMLA Act Cases), Madurai. The petitioner has filed the petition in Crl.M.P.No.76 of 2025 before the said Court and the same was dismissed on 04.03.2025.

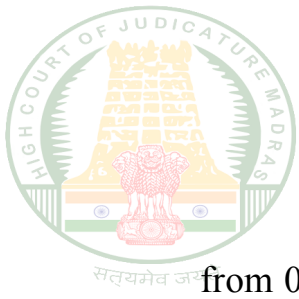


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2.3. At this stage, the petitioner has now moved this Court by filing this petition seeking for bail.

3. The learned counsel for the petitioner has submitted that the petitioner was already granted bail and it is only jumped out bail. The petitioner has fully cooperated for the investigation and on completion of the investigation, the final report was filed and the same was taken on cognizance by the Court concerned. All the alleged articles and also immovable properties of the petitioner were seized and there is no necessity for further police custody. The petitioner has no premeditation or prepared to commit the present case and he was arrayed as an accused based on the confession of the co-accused. Because of some family disputes and other inabilities, the petitioner was absent and so NBW was issued against him. Later, the petitioner filed Crl.O.P(MD)No.12390 of 2023 before this Court for anticipatory bail, in which this Court passed an order on 07.07.2023 granting liberty to the petitioner to surrender before the trial Court and to file a petition for recall of NBW. Due to several other constraints, the petitioner was unable to surrender before the trial Court. In the meantime, the petitioner was arrested for some other case and he is in judicial custody



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from 01.07.2024. The petitioner has been produced in this case only upon PT warrant and he is remanded in this case on 24.12.2024. The petitioner moved the trial Court for bail in Crl.M.P.No.76 of 2025 and the same was dismissed on 04.03.2025. The petitioner was already granted bail and he was on bail. The bail was declined as there is direction for disposal of other case pending against the petitioner. The Hon'ble Supreme Court held that the constitutional courts should not fix a time bound schedule for conduct of cases and it was noticed that the bail was rejected as fixing time bound cases and so bail would not be denied on the ground that the trial would be completed in a time bound schedule and the learned counsel relied on ruling of the Hon'ble Supreme Court in Spl.Leave to Appeal (Crl)No.11589 of 2024, dated 04.10.2024. The bail is a rule and the bail aims to ensure attendance of accused and it should not be used as a punitive measure as it is intended than as a punishment, the delay in trial should not alone be attributed to the accused, the prosecuting agency should not expect continued incarceration of accused till the completion of trial, the prosecuting agency including the Court concerned ensure for speedy trial. The petitioner is ready to abide any condition and is also ready to furnish sureties. The properties of the petitioner were seized, which would fetch



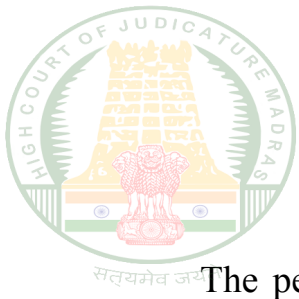
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more than the alleged deposit amount. In support of his argument, the learned counsel for the petitioner relied on the following citations:

- (a) 2018 (11) SCC 1 (Nikesh Tarachand Shah /v/ Union of India)**
- (b) 2012 (4) SCC 40 (Sanjay Chandra /v/ CBI)**
- (c) 2024 Live Law SCC 563 (Manish Sicodia /v/ ED and**
- (d) 2024 Live Law SCC 437 (Javed Gulam Nabi Shek /v/ State of Maharashtra)**

4. The learned Deputy Solicitor General for the respondent has argued that the petitioner is involved in a heinous crime of committing cheating of money from the general public by giving attractive/luring returns with abnormal interest, in fact, such interest would not be possible. The petitioner is Accused No.2, who is the partner of the firm M/s Green Life, which canvassed deposits from the general public with the intention not to return the invested money to the investors. On the basis of the pamphlet, the case was registered by CCB, Coimbatore and thereafter, the respondent registered the present case and, after investigation, laid the final report. The petitioner was originally granted bail, but he failed to comply with the bail conditions. Hence, he is not entitled for bail once again. The NBW issued against him was pending for more than 5 years.



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The petitioner has not properly explained for his long period of absence.

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The petitioner gave a voluntary statement admitting the offences committed by him before the Assistant Director of the Directorate of Enforcement Chennai in the presence of the Superintendent of Sub Jail, Bhavani of Erode District. Since the NBW issued against the petitioner was pending for a long duration, the case against him was split up and then the case was treated as a Long Pending Case. Thereafter, only securing the accused on NBW, the case against him was again reopened as C.C.No.7 of 2024 and the respondent is making progress for trial. Even prior to the execution of NBW, the petitioner approached this Court for anticipatory bail the same was not granted, however, he was directed to surrender and to file a petition for recall of NBW. But the petitioner has not obeyed the direction of the Hon'ble High Court and has not surrendered before the trial Court. Only after strenuous efforts the petitioner was arrested and remanded to judicial custody. Therefore, the contention of the petitioner's counsel that the petitioner is entitled for bail is not acceptable one. If the petitioner is granted bail, he would not appear or cooperate for the trial and there will be a chance of absconding since the petitioner is involved in several cases of this nature and also in TNPID Act Cases. Hence, he strongly objected for



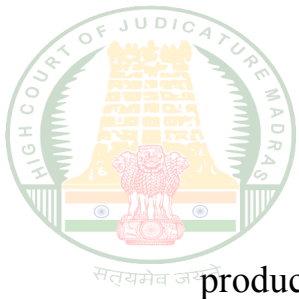
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granting bail to the petitioner.

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5. On perusal of records, this Court has called for report from the trial Court/II Additional District Court (CBI Cases-cum-PMLA Act Cases), Madurai and the learned II Additional District Judge (CBI Cases-cum-PMLA Act Cases), Madurai has also submitted a report, which is available in the case records.

6. Heard and perused the records. It is seen from the records that the petitioner is facing trial in C.C.No.7 of 2024 on the file of the II Additional District Court (CBI Cases-cum-PMLA Act Cases), Madurai. The petitioner's case is that he has already been granted bail in this case and he was regularly appearing before the Court. Later, due to some family issues, he was unable to appear, resulting NBW was issued against him. He further submitted that he approached this Court for anticipatory bail in CrI.O.P.No.12390 of 2023, in which this Court has directed the petitioner to surrender before the trial Court and to file a petition to recall NBW. It is further submitted by him that due to several constraints, the petitioner was unable to surrender, but he was arrested in some other case and he was



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produced on PT warrant and remanded in this case, so he seeks bail.

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The respondent strongly objected on the grounds that the petitioner was already granted bail, he failed to comply with the conditions and he absconded for more than 5 years, and only after strenuous efforts, the petitioner was secured and if he is granted bail again, he will abscond.

7. On perusal of records and also from the report submitted by the learned II Additional District Judge, (CBI Cases cum PMLA Act Cases), Madurai, it is clear that originally a case in C.C.No.3 of 2014 was taken on file by the Principal District and Sessions Court, Madurai U/s.3 and 4 of PMLA Act against 8 accused including the petitioner as Accused No.2. There is no dispute that the petitioner was already granted bail, however, he was absent for several hearings even before the Principal District Court, Madurai, so NBW was issued against him on 17.12.2015 and the case against the petitioner, along with A1, A3 to A6, was split up as C.C.No.1 of 2017 by the Principal District Court, Madurai. Thereafter, it is further revealed that on constitution of II Additional District Court (CBI Cases-cum-PMLA Act Cases), Madurai as Special Court for PMLA Act Cases, the cases in C.C.No.3 of 2014 against A7 & A8 and C.C.No.1 of 2017



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against A1 to A6 were transferred to the II Additional District Court (CBI Cases-cum-PMLA Act Cases), Madurai and renumbered as C.C.Nos.6 of 2017 and 7 of 2017 respectively. The II Additional District Court (CBI Cases-cum-PMLA Act Cases), Madurai, has also issued NBW against A1 to A6 in C.C.No.7 of 2017. In the meanwhile, A6 moved this Court in CrI.O.P(MD)No.19205 of 2019 and the case against A6 was quashed. Thereafter, since A1 to A5 in C.C.No.1 of 2017 were continuously absconding, the case against them was treated as Long Pending Case in LPC No.1/2022 upon petition filed U/s.82 of the Cr.P.C. by the respondent official and the NBW against A2 was pending.

8. In such circumstances, the respondent came to know that the petitioner was arrested and remanded to judicial custody for some other case, the petitioner has been produced in this case upon PT warrant and remanded on 24.12.2024. On perusal of report of the II Additional District Judge (CBI Cases-cum-PMLA Act Cases), Madurai, it is revealed that the petitioner has also involved in TNPID Act cases in C.C.Nos.5 of 2019 and 6 of 2019, in those cases also since the petitioner was absent, action was taken against sureties furnished by the petitioner and since the petitioner



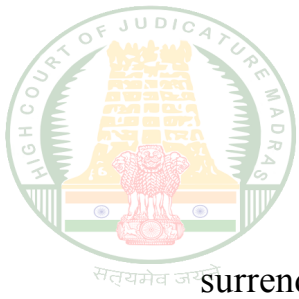
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was not able to secure by sureties, they were imposed fine.

9. Thus, from the above facts, it is clear that the petitioner has been absconding for more than five years and even the sureties furnished by him were also not able to secure the petitioner. Moreover, the present case was originally treated as LPC No.1/2022, declaring the petitioner as proclaimed absconder. Then, on his production, the case was again reopened from LPCNo.1/2022 and taken on file as C.C.No.7 of 2024. The case is now pending for framing charge. The petitioner is involved in the case of cheating the money of the general public and he is facing cases under the TNPID Act and also under the PMLA Act. Already, the petitioner was granted bail, but he jumped out of bail by not complying with bail conditions. Therefore, the apprehension of the respondent that if the petitioner is granted bail, he would again abscond has some force.

10. Moreover, on perusal of records, the petitioner earlier moved this Court for anticipatory bail in Crl.O.P(MD)No.12390 of 2023 and this Court passed an order on 07.07.2023, directing the petitioner to surrender with liberty to file petition to recall NBW. In spite of that, the petitioner failed to



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surrender, instead, he was secured on NBW/ PT warrant, as he was arrested in some other case and was in judicial custody. So, the petitioner is not complying with the direction of this Court also. The petitioner has not stated convincing reason for the long absconding of more than 5 years and he has not chosen to disclose the real factum before the trial Court. The citations relied on by the petitioner is not applicable to this present petition, because the petitioner was also granted bail with condition. Since he violated the bail conditions, he is not entitled for bail as per the settled proposition of the Hon'ble Supreme Court reported in **Shaji /Vs./ State of Kerala, (2005) AIR S.C.W. 5560**. Considering the above facts and circumstances and the bad antecedents of the petitioner and disobedience of bail conditions as well as the direction of this Court, this Court is not inclined to grant bail and the petition deserves dismissal.

11. In the result, this Criminal Original Petition is dismissed.

(P V M J)
05.08.2025

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To

1. The learned Additional District Judge No.II
CBI Cases, Madurai.
2. The Deputy Director,
Directorate of Enforcement,
Government of India, Ministry of Revenue,
Shastri Bhavan, 3rd Floor, 3rd Block, No.26,
Haddows Road, Chennai-6.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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