



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) Nos.8489 and 9147 of 2016

D.SUGANYA ... PETITIONER IN CRL OP.(MD)No.8489/2016 /
ACCUSED No.2

S.ASOKARAJ ... PETITIONER IN CRL OP.(MD)No.9147/2016 /
ACCUSED No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
CBI/ACB/CHENNAI,
R.C. MA 1 2016 A 0015. ... RESPONDENT/ COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S R.C.PAUL KANAGARAJ, Advocate in both Petitions

For Respondent : Mr.S.Jeyakumar, Special Public Prosecutor for
CBI Cases in both petitions.

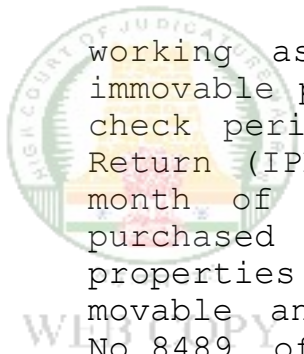
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who is arrayed as accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 109 of IPC and 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988, in R.C.M.A.No.1 of 2016 A 0015, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 08.04.2016 a trap was laid in the Office of the petitioner in Crl.O.P.(MD)No.9147 of 2016. At that time, the respondent police seized Rs.2,00,000/- from his drawer and on 09.04.2016 a sum of Rs.4,60,000/- was seized from the house of the petitioner along with certain incriminating documents and undated cheques issued by third party. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that both petitioners are husband and wife. The petitioner in Crl.O.P(MD)No.8489 of 2016 is



working as Clerk in the Canara Bank from the year 1992. The immovable properties were purchased by the petitioners prior to the check period. Both the petitioners have filed Immovable Property Return (IPR) to their Department, each and every year, during the month of January, including the particulars of the properties purchased in their names and the sources, from which, the said properties were purchased. They have also filed the entire list of movable and immovable properties. The petitioner in Crl.O.P(MD) No.8489 of 2016/A2 has filed the entire list of movable and immovable properties to her employer under the Lok Ayukta Act. Further, the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioner in Crl.O.P(MD)No.9147 of 2016 was enlarged on bail in R.C.No.12/2016 in Crl.O.P(MD)No.8268 of 2016 and in Crime No.679 of 2016 in Crl.O.P(MD)No.8202 of 2016 and he is complying the condition imposed by this Court regularly and the petitioners are ready to abide any condition imposed by this Court.

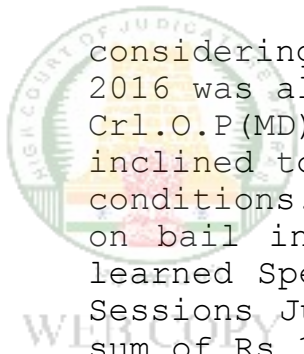
4.The learned Standing counsel for CBI cases appearing for the respondent filed counter affidavit and stated that on 08.04.2016 a Trap was laid in the office of the petitioner in Crl.O.P(MD)No.9147 of 2016 and petitioner was caught red handed while demanding and accepting a bribe of Rs.75,000/- from the Complainant in RC 12(A)/2016, CBI: ACB: Chennai. During the post trap proceedings, the petitioner was arrested by CBI. In the post trap proceedings, a group of persons assembled and unauthorisedly entered into the Central Excise Office and attacked the officials of CBI and destroyed the evidences. It shows the influence of the petitioner and he may go to any extent to tamper with the evidence against him. The petitioner in Crl.O.P(MD)No.9147 of 2016 also accompanied the gang and fled away from the scene of occurrence along with the trap money, trap kit and CBI Railway Warrants. On 09.04.2016 respondent police searched the house of the petitioner and seized Rs.4,00,000/- and indiscriminating documents. Both the petitioners during the period from 01.01.2010 to 15.04.2016, amassed wealth (Immovable and Movable Assets) to the tune of Rs.41,87,807/-, which are disproportionate to their known sources of income without having any account. At the time of search some indiscriminating documents were seized and un-dated cheques were issued by some third party were seized. Therefore, custodial interrogation of the petitioners is necessary. At the time of enquiry, the petitioner in Crl.O.P(MD) No.8489 of 2016 is not available in the Bank and reported that she is absent un-authorizedly and strongly objected for granting of anticipatory bail to the petitioners and prayed for dismissal of the petitions.

5.Considered the rival submissions.

6.It is seen that the petitioner in Crl.O.P(MD)No.9147 of 2016 was already enlarged on bail in two cases in Crl.O.P(MD)Nos.8202 and 8268 of 2016 and the petitioner is regularly complying with the conditions imposed by this Court.

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7.Considering the facts and circumstances of the case and also



considering the fact that the petitioner in CrI.O.P(MD)No.9147 of 2016 was already enlarged on bail in two cases and the petitioner in CrI.O.P(MD)No.8489 of 2016 is working in Canara Bank, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for CBI Cases-cum- II Additional District and Sessions Judge, Madurai and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the concerned court and on further condition that the petitioners shall appear before the Special Court for CBI Cases-cum- II Additional District and Sessions Judge, Madurai daily at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Court within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
24/06/2016

/ TRUE COPY /

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

TO

- 1 THE SPECIAL JUDGE FOR CBI CASES - CUM- II ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.
- 2 DO THRO' THE PRINCIPAL SESSIONS JUDGE, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, CBI/ACB/CHENNAI.

+2 CC to M/S R.ARAVIND RAJ, Advocate SR.Nos.33175 & 33176

am

JM/SK-SKN/SAR-II/01.07.2016/3P-7C

ORDER
IN
CRL OP(MD) Nos.8489 & 9147 of 2016
Date :24/06/2016