

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION Nos.9329, 9387, 9520, 9519

and 9652 of 2017

RAM PRATAP	[PETITIONER IN CRL.O.P.No.9329/2017]
P.RAJKUMAR	[PETITIONER IN CRL.O.P.No.9387/2017]
N.SATHYANARAYANA	[PETITIONER IN CRL.O.P.No.9519/2017]
A.MAHARAJAN	[PETITIONER IN CRL.O.P.No.9520/2017]
P.MANICKAM	[PETITIONER IN CRL.O.P.No.9552/2017]

Vs

1 THE STATE REPRESENTED BY, [RESPONDENT IN CRL.O.P.No.9329/17]
THE SUPERINTENDENT OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
ANTI CORRUPTION BRANCH, SHASTRI BHAWAN,
NUNGAMBAKKAM, CHENNAI.

2 THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
ANTI CORRUPTION BRANCH, SHASTRI BHAWAN,
NUNGAMBAKKAM, CHENNAI.
CR.NO. RC MA1 2017 A0009.

1 THE INSPECTOR OF POLICE, [RESPONDENT IN CRL.O.P.No.9387/17]
CENTRAL BUREAU OF INVESTIGATION,
ANTI CORRUPTION BRANCH, SHASTRI BHAWAN,
NUNGAMBAKKAM, CHENNAI.
CR.NO. RC MA1 2017 A0009.

1 THE STATE REPRESENTED BY, [RESPONDENT IN CRL.OP.Nos.9519,
THE SUPERINTENDENT OF POLICE, 9520 & 9652/17]
CENTRAL BUREAU OF INVESTIGATION,
ANTI CORRUPTION BRANCH, SHASTRI BHAWAN,
NUNGAMBAKKAM, CHENNAI.

For Petitioner : M/S.N.PRAGHASAM Advocate (IN CRL.O.P.No.9329/2017)
M/S.K.M.BALAJI Advocate (IN CRL.O.P.No.9387/2017)
M/S.R.THYAGARAJAN Advocate (IN CRL.O.P.No.9519/2017)
M/S.B.SATISH SUNDAR Advocate (IN CRL.O.P.No.9520/2017)
M/S.V.SANTHARAM Advocate (IN CRL.O.P.No.9652/2017)

For Respondent : MR.K.SRINIVASAN, SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES (IN ALL THE PETITIONS)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioners are A.1 to A.5. A.1 and A.2 were arrested on 25.04.2017, A.3 was arrested on 26.04.2017 and A.4 and A.5 were arrested on 28.04.2017 for the alleged offences punishable under Sections 120-B IPC r/w 7, 8, 9 and Section 13(2) r/w 13(1) (a) and (d) of the Prevention of Corruption Act, 1988 in RC-MA1-2017-A-0009 on the file of the respondent police, seek bail.

3. The case of the prosecution is that the petitioners/A.1 to A.4 are Public servants and A.5 is Fugimotor. All the accused conspired and demanded the money and accepted a huge amount of bribe from Customs Clearing Agents and Shipping Agents of Tuticorin for issuing Phytosanitary Certificate for export of goods and Consignment Release Orders for imported consignments. Based on source information, A.1 and A.2 were intercepted at Chennai Airport and Rs.3,50,000/- and Rs.2,00,000/- were recovered from them. Thereafter, a case was registered and they were arrested on 25.04.2017 and on their confession A.3 was arrested on 26.04.2017 and A.4 and A.5 were arrested on 28.04.2017.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and no way connected with the alleged offences and they have been falsely implicated in this case. He further submitted that the investigation is also nearing completion and that they may be released on bail.

5. The learned Special Public Prosecutor submitted that the petitioners are habitually demanding and accepting huge amount of bribe. Investigation has not been completed. If they released on bail, there is likelihood of them being colluded with each with other and tampering with witnesses.

6. Considering the facts and circumstances of the case and also taking note of the period of incarceration of the petitioners, this Court is inclined to grant the relief of bail to the petitioners.

7. Accordingly, it is ordered that the petitioners shall be released on bail, subject to the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Principal, Special Court for CBI Cases at Chennai and on further condition that

(ii) The petitioners shall stay at Chennai and appear before the respondent police every day at 10.30 a.m until further orders and they should not go to Tuticorin until further orders.

-sd/-
18/05/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL, SPECIAL COURT
FOR CBI CASES AT CHENNAI

2 THE VIII ADDITIONAL SESSIONS
COURT(PRINCIPAL COURT CBI CASES), CHENNAI.

3 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

4 THE SUPERINTENDENT OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
ANTI CORRUPTION BRANCH, SHASTRI BHAWAN,
NUNGAMBAKKAM, CHENNAI.

5 THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION, ANTI
CORRUPTION BRANCH, SHASTRI BHAWAN,
NUNGAMBAKKAM, CHENNAI.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

+5 CC to M/S.N.PRAGHASAM Advocate on payment of necessary
charges Sr.Nos.9218,9219,9225,9223 & 9224

CRL OP.Nos.9329, 9387, 9520, 9519

and 9652 of 2017

Date :18/05/2017

rvr 19/05/2017