

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Second day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15946, 16133 & 16134 of 2018

D.DEVASITHAM, [ PETITIONER IN CRL.O.P.NO.15946 ]

D.BHANUPRIYA [ PETITIONER IN CRL.O.P.NO.16133 ]

D.MOSES [ PETITIONER IN CRL.O.P.NO.16134 ]

Vs

STATE REP. BY [ RESPONDENT IN BOTH PETITIONS ]  
DEPUTY SUPERINTENDENT OF POLICE,  
DEPARTMENT OF VIGILANCE AND ANTI CORRUPTION,  
KANCHEPURAM DISTRICT.  
CR.NO. 5/2018

For Petitioner : M/S.C.UMASHANKAR Advocate [IN BOTH THE PETITIONS]

For Respondent : MR. M.MOHAMED RIYAZ, Additional Public Prosecutor  
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 13(2) r/w 13(1) (e) of Prevention of Corruption Act in Crime No.5 of 2018, seek anticipatory bail.

2. The petitioner in Crl.O.P.No.15946 of 2018 is arrayed as A1, the petitioner in Crl.O.P.No.16133 of 2018 is arrayed as A2/wife of A1 and the petitioner in Crl.O.P.No.16134 of 2018 is arrayed as A3/brother of A1. The case of the prosecution as per the de-facto complainant is that on reliable information through a source that while A1 was the President in Thalambur Village Panchayat, Thiruporur Panchayat Union, Kanchipuram District, he had along with his wife and brother, who have been arrayed as A2 and A3 in this case, amassed wealth in his name and in the name of his wife and brother. A Preliminary Enquiry was registered in PE.258/2017/RDP/KM dated 27.07.2017 and during enquiry, it was found that the petitioners had amassed wealth to the tune of Rs.5,20,06,443/-, which were disproportionate to his known source of income.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been implicated based on the political animosity. He would submit that the petitioners have purchased certain lands and that due to the spurt and surge in real estate, the value of the properties owned by them have gone up by several folds and the case has been registered on false presumptions on the instigation of their political rivals.

4. The learned Additional Public Prosecutor would submit that it is a case of possession of assets disproportionate to known sources of income. He would also submit that the respondent has also filed a counter. He would further submit that the documents had been recovered and that the custodial interrogation of the petitioners may not be required.

5. Taking into consideration the facts of the case and the submissions made by the counsels and that it is also reported that custodial interrogation of the petitioners may not be required, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Chengalpet, on condition that each of the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30.a.m, until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-  
02/07/2018

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 JUDICIAL MAGISTRATE,  
NO.II, CHENGALPET

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPAT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,  
DEPARTMENT OF VIGILANCE AND ANTI CORRUPTION,  
KANCHEPURAM DISTRICT.

+3 CC to M/S.C.UMASHANKAR Advocate on payment of necessary charges SR.NO. 12204, 12205, 12206,

CRL OP.15946, 16133 & 16134 of 2018/2018

Date :02/07/2018

TA-10/07/2018