IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8216 of 2020

W. Ravindran Samuel
S/o.William Thomas,
Residing at Old No.283,
New No.62-A,
5-Lambert Nagar,
Arcot Road,
Alwarthirunagar,
Chennai – 600 087. ... Petitioner /Accused

Vs.

The Inspector of Police,
Central Bureau of Investigation,
Anti Corruption Branch,
Shastri Bhavan,
Chennai. ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in RC MA 1 2020 A 0003 on the file of the Inspector of Police, Central Bureau of Investigation, Anti corruption Branch, Chennai.

For Petitioner : Mr.R. Karthikeyan
For Respondent: Mr.K.Srinivasan
Special Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.05.2020 for the offences punishable under Section 7 of the Prevention of Corruption Act on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.05.2020, the de-facto complainant Sankara Subramanian has lodged a complaint against the petitioner to the Superintendent of Police, Central Bureau of Investigation, Anti Corruption Branch, Chennai. In his complaint, the de-facto complainant has stated that he owns a house at Saligramam and the the original title deeds pertaining to the said house have been pledged before the Indian Bank, M.G.R. Nagar Branch, Chennai as collateral security for the CC. Loan A/c. No.421581112, availed by his sister before ten years and now the said loan was closed. For releasing the original title deeds, he approached the Branch Manager, Indian Bank, M.G.R. Nagar Branch, Chennai, who is the petitioner in this petition. For which, the petitioner has demanded an amount of Rs.15,000/- as bribe amount on several occasions. The de-facto complainant not intended to give the bribe amount and hence, he lodged a complaint.

3. On 06.05.2020, the petitioner informed the de-facto complaint that he was transferred from MGR Nagar Branch to Kellys Branch on 01.05.2020, and hence, the petitioner instructed him to give a pre-dated letter i.e. on 25.04.2020 for effecting steps to

release the original sale deed along with the bribe amount. Once again, on 18.05.2020, the petitioner has made a telecon with the de-facto complainant and the bribe amount was reduced to Rs.7,500/- and the same has to be given at his residence.

4. On receipt of complaint, a trap was laid and the petitioner / accused was caught red handed during the trap and the trap money was recovered and searches were conducted at his residence as well as Indian Bank, MGR Nagar Branch and Kellys Branch.

5. The learned counsel for the petitioner submits that the petitioner has joined as Probationary Officer during the year 1988 and at the time of occurrence, he was working as Senior Manager, Indian Bank, Choolaimedu Branch. Further, it is submitted that the petitioner has rendered 32 years of unblemished service and he is on the verge of his retirement i.e. on 31.05.2020. The de-facto complainant is the ex- employee of the bank and due to previous enmity, a false complaint has been lodged. On issuance of transfer orders (from one branch to another), the petitioner has no authority to release the documents and it is well known to the de-facto complainant, who is the ex-bank employee. It is submitted that at the time of arrest, the search memo was issued and it discloses that the petitioner was in possession of only Rs.1550/-. Further, it is submitted that the

petitioner is suffering from various health ailments like renal and cardiac issues and for which, he is undergoing regular treatment. Hence, he seeks for bail for the petitioner.

6. The learned Special Public Prosecutor - CBI, appearing for the respondent would submit that on receipt of a complaint, a trap was laid against the petitioner in the presence of independent witnesses. On 19.05.2020, at 3.30 p.m., the petitioner while accepting the bribe amount of Rs.7,500/- from the de-facto complainant in front of the “The Chennai Mobiles, Anna Main Road at MGR Nagar, Chennai, he was caught got red handed.

7. Further, the learned Special Public Prosecutor drew the attention of this Court to the Counter statement, wherein it is stated that on both hands of the petitioner, Phenolphthalein test was conducted and test proved positive and he was arrested on 19.5.2020 at 3.30 p.m. and the bribe amount was recovered from the right side front pant pocket of the petitioner. Searches were conducted at the office premises of the petitioner i.e. M.G.R. Nagar Branch, Chennai as well as Kellys Branch and also at his residential premises and a cash worth of Rs.3,09,100/- were seized. Further, he submits that the investigation is preliminary in stage and a prima facie case was made out. Moreover, the relevant witnesses viz., bank officials who are working with the petitioner have to be

examined and further documents are to be collected to prove the motive of demand and acceptance of bribe. Also, he submits that the material objects collected during the trap proceedings have to be sent to the Forensic Science Laboratory for expert opinion. Hence, he vehemently, oppose to grant bail to the petitioner.

8. Considering the submissions made by either side and on perusal of the materials placed before this Court, it is clear that it is a case of trap. On receipt of complaint, FIR came to be registered; pre-trap proceedings has been recorded by way of Entrustment Mahazar. Thereafter, the trap was laid and the trap stands successful. The bribe amount recovered and the recovery mahazar prepared. Pursuant to the trap, searches were conducted in the office and residential premises of the petitioner. The Proceedings have been recorded. the petitioner is now suspended from Service and he has got no access to the documents which are available in the bank. Further, it is seen that the major part of the investigation of the trap is over.

9. In view of the above submissions and taking into consideration the petitioner's confinement and also various ailments of the petitioner, this Court is inclined to grant bail subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the

Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020 Andhra Bank, Madhya Kailash Branch (SB A/C.No.149710011005477) and on such deposit, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lock down and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

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

(d) the petitioner shall report before the respondent police daily for a period of two weeks and thereafter as and when required for interrogation;

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

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].**

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

12.06.2020

Vsi2
Index: Yes/No
Internet: Yes/No

To:
1. The Inspector of Police,
Central Bureau of Investigation,
Anti Corruption Branch,
Shastri Bhavan,
Chennai.

2. The Superintendent,
Sub Jail,
Poonamallee.

3. The VIII Additional Court,
CBI Case Judge,
Chennai.

M.NIRMAL KUMAR, J.
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