IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 12174 of 2020

R.Vadivazhagi ... Petitioner

Vs.

The State represented by,
The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Chennai City - IV Detachment,
Chennai – 600 016. ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No. 2 of 2018, on the file of the respondent police.

For Petitioner : Mr. S.Veeraraghavan

For Respondent : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hand of the respondent for the offence punishable under Section 13(2) r/w. 13 (1)(e) of Prevention of Corruption Act, 1988 in Crime No.2 of 2018, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant is that the while petitioner was working as Child Development Officer Project I, Royapuram, she has amazed wealth in her name and in the name of her family members. Enquiry was conducted and in enquiry it is revealed that the accused petitioner had acquired assets and pecuniary resources by way of corruption which were disproportionate to the known income for the check period from 01.10.2011 to 30.09.2016. It is further revealed that on the beginning of the check period i.e. on 30.09.2011, the petitioner had acquired and possessed properties and pecuniary resources in her name to the tune of Rs.11,36,216/- and at the end of the check period i.e on 30.09.2016, the petitioner had possessed the property and pecuniary resources in

her name and in the name of husband and son to the tune of Rs.2,39,73,785/- and the enquiry further revealed that the total income of the petitioner during the check period was Rs.42,64,146/- and the expenditure during the check period was calculated for a sum of Rs.13,43,191/- and it was found that the petitioner possessed the properties and pecuniary resources in her name and in the name of the family members to the tune of Rs.1,90,16,614/- which was disproportionate to the known source of her income and based on that information the respondent registered case under Section 13(2) r/w. 13(1)(e) of Prevention of Corruption Act, 1988 in Crime No.2 of 2018.

3. Learned counsel for the petitioner would submit that the petitioner was working as Child Development Project Officer Project I and apart from her salary, she was also receiving rental income and that that her elder son was running a company in the name of Vel Homes India Private Limited and Sabari Infrastructure Limited and her husband had recently retired from Heavy Vehicles Factory, Avadi and has been receiving pension. He would further submit that the petitioner has co-operated for enquiry and entire case of prosecution is bourne out by documents. He would further submit that investigation is over. Hence, he seeks anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor would submit that during check period i.e. Form 01.10.2011 to 13.09.2016, the petitioner had acquired and possessed the property and pecuniary resources in her name and family members and found to be Rs.1,90,16,614/- which is disproportionate to the known source of income. He would submit that investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submission made by the counsel, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

[a]. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Special Judge for cases under the Prevention of Corruption Act, Chennai, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] **the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, every Monday at 10.30 a.m. until further orders.**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

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

-sd/-
31/08/2020

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 SPECIAL JUDGE FOR
CASES UNDER THE PREVENTION OF CORRUPTION ACT,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI CITY - IV DETACHMENT,
CHENNAI - 600 016.

+1CC to M/S. S.VEERARAGHAVAN Advocate on payment of necessary charges SR NO.6073

CRL OP.12174/2020

Date :31/08/2020

MK:10/09/2020