

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.12589 and 12599 of 2020

D.John Jeba Pragasam (M/48)

... Petitioner in
Crl.O.P.No.12589 of 2020

Dr.A.Valarmathi (F/56 years)

... Petitioner in
Crl.O.P.No.12599 of 2020

Vs.

The State represented by,
The Inspector of Police,
Vigilance and Anti Corruption,
Chennai City - II Detachment,
Alandur, Chennai - 600 016
(Crime No.06/AC/2020/CC-II)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners herein on bail in the event of their arrest in Crime No. 06/AC/2020/CC-II, on the file of the respondent.

For Petitioner in
Crl.O.P.No.12589 of 2020 : Mr.Ravi for Mr.R.Prem Narayan

For Petitioner in
Crl.O.P.No.12599 of 2020 : Mr.Wilson for Mr.G.Sankaran

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 7 of the Prevention of Corruption Act, 1988, in Crime No.06/AC/2020/CC-II, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant Bharathan is that he was engaged in the business of selling electronic weighing scale and spare parts. He was given license to run the business for the period between 2014 to 2019. Thereafter, on 06.12.2019 he had filled an online application for renewal and he had received an application form. He had also remitted an amount of Rs.2500/- on the same day. Since, the office resumed functioning after the month of May, the petitioner had approached one John Jeba Prakasam, Assistant Inspector of Labour, over phone and he had demanded an amount of Rs.10,000/- and said only if the amount is paid to the petitioner/Assistant Commissioner of labour, the renewal will be made. Thereafter, he had met the said John Jeba Prakasam, Assistant Inspector of Labour on 02.06.2020 and he had obtained signature as if, the inspection was conducted in his office. At that time, he had asked the defacto complainant whether the amount of Rs.10,000/- paid to the Assistant Commissioner and further he had insisted that the license will be renewed only if the amount is paid. Thereby, the defacto complainant had lodged a complaint before the respondent police based on which, the case was registered on 08.06.2020. Pursuant to the complaint, a trap was organized and on 03.08.2020, when the defacto complainant had gone to the office, one Ravikumar, Assistant Inspector of Labour/A3, had demanded the amount and had directed the complainant to hand over the bribe amount of Rs.10,000/- to one Sundaravel/A4, a private individual. The said Sundaravel was arrested red handed while receiving the bribe amount and he had admitted that he had received the amount on instructions of A3, Ravikumar. In this connection, a seizure mahazar was prepared on 03.08.2020 between 16.30 hours and 19.00 hours and A3 and A4 were arrested on the same day at 16.45 hours and 17.45 hours respectively and they were remanded to judicial custody.

3 Mr.Wilson, the learned Senior counsel appearing for the petitioner in CrI.O.P.No.12599 of 2020 would submit that the petitioner is an innocent and she has been falsely implicated in this case on the instigation of one J.Ashok Kumar who is a Stamping Inspector against whom the petitioner had initiated disciplinary action for having involved in serious irregularities. He would submit that the said Ashok Kumar had instigated the defacto complainant Bharathan to give a false complaint. The fact remains that the license was issued as early as on 26.06.2020 even before the trap was organized. Excepting the averment in the complaint that the Assistant Inspector of Labour had claimed the amount on behalf of the petitioner, there is no other allegation against the petitioner. Even during the trap, one new incumbent Ravikumar/A3 is stated to have directed the defacto complainant to hand over the money to a private individual Sundaravel/A4 and that the amount had been recovered from the said Sundaravel/A4. The petitioner has been unnecessarily brought into the issue to settle private scores. Further, on the date of trap, the Assistant Inspector of Labour John Prakasam had already been transferred. He would submit that the petitioner is prepared to appear before the respondent for any kind of enquiry. Hence, he prays for grant of anticipatory bail to the

petitioner.

4 Mr.Ravi, the learned counsel appearing for the petitioner in CrI.O.P.No.12589/2020 would submit that the petitioner/A2 is an innocent and he has been unnecessarily dragged into the issue. He would submit that the petitioner was transferred as early as on 23.05.2020 whereas, in the complaint it is stated that the defacto complainant had contacted the petitioner on 29.05.2020. The falsify of the defacto complainant would be exposed by the fact that the petitioner was not the person responsible for renewing license on the particular date when the defacto complainant is alleged to have contacted him and the name of the petitioner has been misused by the defacto complainant. Even on the date of the alleged trap, the petitioner was not available and his successor one Ravikumar was the Assistant Inspector of Labour and he was the one who is alleged to have reiterated the demand and received the money through one Sundaravel/A4 who is a private individual. He would submit that the petitioner is prepared to appear before the respondent for any kind of enquiry. Hence, he prays for grant of anticipatory bail to the petitioner.

5 The learned Additional Public Prosecutor would submit that on a complaint given by one S.Barathan, the case was registered in Crime No.06/AC/2020/CC-II and that after registration of the complaint a trap was organized. Pursuant to the trap, A4/a private individual was arrested while he was receiving bribe amount on behalf of Ravikumar/A3. He would submit that A3/Ravi Kumar, Assistant Inspector of Labour and A4/Sundaravel were arrested and remanded to the Judicial Custody and thereafter, they were released on bail on 18.08.2020. He would submit that investigation is pending and the arrested accused have stated that the alleged amount was received on behalf of their superior officers. Hence, he opposed for grant of anticipatory bail to the petitioners.

6 Taking into consideration, the facts and submissions made by the learned counsels and as per the statement of the arrested accused, the money has been received on behalf of their superior officer, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7 Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their 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 learned Chief Judicial Magistrate cum Special Judge, Thiruvallur, on condition that the petitioners shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

21/08/2020

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 CHIEF JUDICIAL MAGISTRATE CUM SPECIAL JUDGE,
THIRUVALLUR.

2 THE METROPOLITAN MAGISTRATE, CBCID COURT,
EGMORE, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY-II DETATCHMENT,
ALANDUR, CHENNAI.

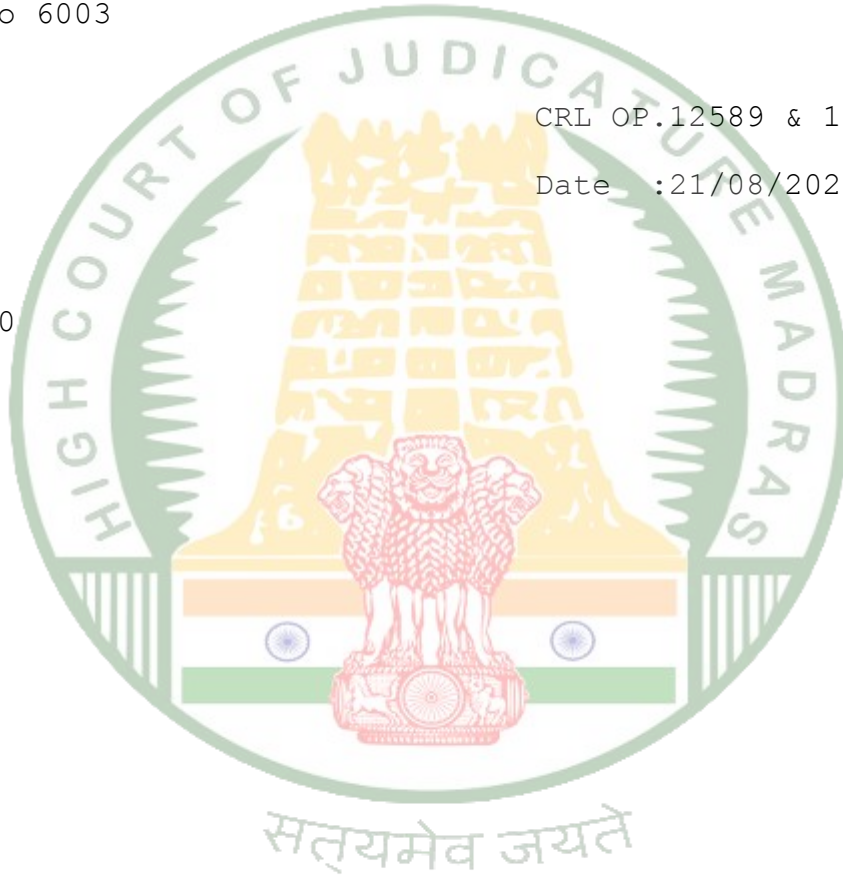
+1 CC to M/S. R.PREM NARAYAN Advocate on payment of necessary
charges SR.No 6026

+1 CC to M/S. G.SANKARAN Advocate on payment of necessary
charges SR.No 6003

CRL OP.12589 & 12599/2020

Date :21/08/2020

MN-31/08/2020



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