



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4427 of 2021

E.Rajendran

... Petitioner

Vs.

Union by  
The Inspector of Police,  
CBI, ACB, Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in R.C No.0322021A002, on the file of the Respondent.

For Petitioner : Mr.S.Ananthanarayanan  
Senior Counsel for  
Mr.S.M.Nandhie Devhan

For Respondent : Mr.Srinivasan  
Special Public Prosecutor for CBI Cases

Mr.Santhaji Counsel for Intervenor

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 18.02.2021 for an offence punishable under Section 7 of Prevention of Corruption Act, 1988 as amended in 2018, in R.C No.0322021A0002, seeks bail.

2. The petitioner is the sole accused. The allegation is that the petitioner is working as Authorised Officer, Standard Chartered Bank, Chennai, and the de-facto complainant had borrowed loan from the said bank and thereafter, failed to repay the loan amount. Hence, proceedings were initiated under SARFAESI Act and the properties of the de-facto complainant were brought for public auction. The petitioner, who is working as Authorised Officer informed the de-facto complainant that he will settle the issue and get back the properties to the de-facto complainant and for that, he demanded Rs.3,00,000/- from the de-facto complainant. Immediately, the de-facto complainant had given a complaint to the respondent. Thereafter, trap was arrayed and the petitioner was caught red handed, thereafter, a search was conducted and the properties and unaccounted cash of Rs.18,00,000/- were seized from the petitioner.



The petitioner was arrested and remanded to judicial custody on 18.02.2021.

3. Mr.S.Ananthanarayan, learned Senior Counsel appearing for the petitioner would submit that the petitioner is innocent and he did not receive money as bribe and for a personal transaction, money has been received and a false case has been foisted against the petitioner. Now, the respondent has also taken custody of the petitioner, and custodial interrogation was also over. The question of hampering the investigation and tampering the witnesses would not arise in this case. He would further submit that the petitioner is in judicial custody since 18.02.2021. Hence, he seeks bail to the petitioner.

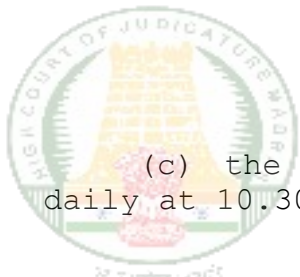
4. Mr.Santhaji, learned counsel appearing fore the intervenor would vehemently oppose this bail application stating that, the petitioner who was working as Authorised Officer had cheated the de-facto complainant and given a false promise to get the properties back and demanded money and thereafter, he was caught red-handed by the respondent and this petitioner and a groups of people were involved in this crime. If the petitioner is released on bail, he will hamper the investigation and tamper the witnesses.

5. Mr.Srinivasan, learned Special Public Prosecutor appearing for CBI cases has filed a counter affidavit and submitted that based on the complaint given by the de-facto complainant, a trap was laid and the petitioner was caught red-handed by the respondent police while demanding and accepting bribe amount of Rs.3,00,000/- from the de-facto complainant and further, while conducting subsequent search in his house, documents and unaccounted cash of Rs.18,00,000/- were seized. Investigation is almost over. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and and also considering the period of incarceration suffered by the petitioner and now, investigation is almost completed and the custodial interrogation of the petitioner is also over, and the properties were seized by the respondent, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Principal Special Judge for CBI Cases (VIII Additional City Civil Court), Chennai, and on further conditions that:

(b) 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;



(c) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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.

-sd/-  
12/03/2021

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 JUDGE FOR CBI CASES,  
VIII ADDITIONAL CITY CIVIL COURT,  
CHENNAI.

2 THE OFFICER INCHARGE,  
SUB-JAIL, SAIDAPET,  
CHENNAI-15.

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

4 THE INSPECTOR OF POLICE  
CBI, ACB, CHENNAI

+2CC to M/S.S.CHANDAN BABU Advocate on payment of necessary  
charges SR NO.3235

CRL OP.4427/2021

Date :12/03/2021

MK:15/03/2021