



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nod.14267 and 14698 of 2021

Patras Gregory Khalkho

... Petitioner

in Crl.O.P.No. 14267 of 2021/A2

Mohit Jha

... Petitioner

in Crl.O.P.No. 14698 of 2021/A1

Vs.

1.The State rep by,
Superintendent of Police,
CBI/ACB, Chennai
(Crime No.RC0322021A0011)

... Respondent in Crl.O.P.No. 14267 of 2021

2. State rep by Inspector of Police,
CBI ACB Chennai.
Crime.No.RC0322021A0011

... Respondent Crl.O.P.No. 14698 of 2021

COMMON PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail pertaining to Crime No. Crime No.RC0322021A0011 pending investigation on the file of the respondent.

For Petitioner in Crl.O.P.No.14267 of 2021 : Mr.K.R. Ramesh Kumar

For Petitioner in Crl.O.P.No.14698 of 2021 : Mr.L. Infant Dinesh

For Respondent in both Crl.O.P's : Mr.A.Gopinath
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners who were arrested and remanded to judicial custody on 28.07.2021 for the offences under Section 7 of the Prevention of Corruption Act, 1988 in Crime No. RC0322021A0011 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the M/s Sharoon Solutions involved in the business of manufacturing smart cards, sim cards and banking cards (Debit and Credit) cards for various network operations and all Nationalized banks and various Private sector banks. The company also contributes ESIC subscriptions for their employees and the Recovery Officer of ESIC, Pondicherry Demand Notices were sent to M/s Sharon Solutions Limited for the dues since January, 2020 which were not paid by the said firm as ESIC as the said amount was miscalculated the amount. In this regard M/s Sharoon Solutions has filed a petition U/s 75(1)(g) of the ESI Act, 1948 in the Court of Employees State Insurance Judge at Pondicherry in April 2021 and the matter is pending before the said Court.. While so on 10.03.2021, A2 who is the Deputy Director Recovery Officer of Employee State Insurance Corporation (ESIC) Puducherry issued notice U/s 45-G of Esi Act, 1948 (As amended to Bank Manager, Vijaya Bank Puducherry) mentioning a sum of Rs.8,51,252/- due along with interest from M/s Sharon Solutions Limited and the said amount to be paid to ESIC from account No.602400301000544 of M/s Sharon Solutions. While so A1 working as Social Security Officer in ESIC, Puducherry contacted the defacto complainant for recovery of the dues and informed that the bank account of the defacto complainant was freezed and demanded illegal gratification to release/defreeze the bank account and A1 called the defacto complainant over phone and demanded Rs.25,000/- with a view to unduly enrich himself and on behalf of A2. Thereafter a trap was arranged and A2 received the bribe amount of Rs.25,000/- from the complainant extending his right hand and kept the said tainted currency in his left side table drawer by using both the hands and the accused was apprehended and FIR was registered and remanded to Judicial custody. Hence the petition.

3. The learned counsel for the petitioner submitted that as the defacto complainant is a chronic defaulter in paying the ESI dues the petitioners initiated various steps for recovery against the defacto complainant and only in order to wreak vengeance a false case has been foisted against the petitioners. He further submits that the petitioners are in jail from 28.07.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the documents from Employees Stte Insurance Corporation are to be collected and witnesses are yet be examined. He further submits that investigation into the telephonic conversation held between the petitioners and the defacto complainant are very much necessary in this case and he requested that this Court may direct the petitioners to co-operate with the investigation. However, he vehemently opposed for grant of bail to the petitioner.

5. The learned Counsel for the petitioners undertakes that the petitioners will undertake to co-operate with the investigation and render all assistance



6. Considering the facts and circumstances of the case and further the petitioner are ready and willing to co-operate with the investigation and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner are ordered to be released on bail on his executing 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 Special Judge, Puducherry and on further condition that:

(a) 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 are directed to co-operate in the investigation relating to telephonic conversation between the petitioners and the defacto complainant which is very much available with the prosecution.

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

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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]; and;

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

-sd/-
31/08/2021

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.



1 THE SPECIAL JUDGE,
PUDUCHERRY

2 THE SUPERINTENDENT,
CENTRAL PRISON,
KALAPET, PUDUCHERRY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT OF POLICE,
CBI/ACB, CHENNAI.

5 THE INSPECTOR OF POLICE,
CBI/ACB, CHENNAI.

+2 CC to M/S. K.R.RAMESH KUMAR Advocate on payment of necessary
charges SR NO.9281

+1 CC to M/S. L.INFANT DINESH Advocate on payment of necessary
charges SR NO.9285

CRL OP.14267 & 14698/2021

Date :31/08/2021

RW 01/09/2021