

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 06..01..2021

Orders Pronounced on : 18..01..2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Criminal Original Petition No.17770 of 2020

M.Pannirselvam,
No.5/1A2, Valayambhati Street,
Rani BHEL Nagar, Ranipet 632 403.

... Petitioner

-Versus-

The State Rep. by
Inspector of Police,
Directorate of Vigilance and Anti-Corruption,
Vellore District.
[Crime No.7 of 2020]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.7 of 2020 on the file of the Inspector of Police, Directorate of Vigilance and Anti-Corruption, Vellore.

For Petitioner : *Mr.A.Ramesh, Senior*
Counsel for Mr.G.R.Hari

For Respondent : *Mr.S.Karthikeyan,*
Additional Public
Prosecutor

ORDER

(The was heard through video conference)

Seeking pre-arrest bail under Section 438 of Cr.P.C. in respect of the offence under Section 7 of The Prevention of Corruption Act, 1988 registered against him in Crime No.7 of 2020 by the respondent police, the petitioner is before this court with this original petition.

2. The case of the prosecution in brief is that, the petitioner is working as Joint Chief Environmental Engineer in Tamil Nadu pollution Control Board, Vellore Zone at Katpadi. On an information received by the District Inspection Cell Officials that the petitioner receiving huge money as bribe from various industries situated in and around Vellore, Vaniyambadi, Hosur, Dharmapuri, Tiruvannamalai and Villupuram Districts for giving pollution control board's clearance and consent orders, especially, in the zonal level review meeting held on 13.10.2020. Therefore, a surprise check was organized by the District Deputy Inspector Cell Officer and the officials of the Directorate of Vigilance and Anti-Corruption. During such surprise check, a sum of Rs.2,50,000/- was seized after being intercepted the car belonging to the petitioner, for which the petitioner was

not able to give any explanation or account. Thereafter, another search was conducted in his private office situated at Auxilium College Road, Gandhi Nagar, Katpati, Vellore where another sum of Rs.31,23,000/- was seized.

3. Therefore, based on a complaint filed by the District Deputy Inspector Cell Officer, District Inspection Cell, Vellore, a FIR has been registered against the petitioner in Crime No.7 of 2020 for the alleged offence under Section 7 of The Prevention of Corruption Act, 1988. Thereafter, during the further search conducted at the house of the petitioner on 14.10.2020, an explained and unaccounted money of Rs.3,25,20,000/- , gold ornaments, silver articles, bank pass books and property documents were seized. That apart, during investigation 61 gold coins were seized when the locker of the petitioner maintained at State Bank of India, Ranipet Branch was opened on 21.10.2020. Now, the investigation is pending. In these circumstances, apprehending arrest at the hands of the respondent police, the petitioner has come forward with the instant anticipatory bail petition.

4. The respondent police filed their counter affidavit explaining the facts in details and strongly objecting to the release of the petitioner on anticipatory bail.

5. Mr.A.Ramesh, the learned senior counsel appearing for the petitioner would submit that the petitioner is working as Joint Chief Environmental Engineer in the Tamil Nadu Pollution Control Board, Vellore, Zone. He joined the service of the board in 1990 as Assistant Engineer. Thereafter, he got various promotions and lastly in 2019, he was promoted as Joint Chief Environmental Engineer, Vellore Zone. He has put in more than 30 years of unblemished service. He had been discharging his duties with utmost sincerity and efficiency without any allegations whatsoever. His wife was from a rich family. The family of his wife owns Hospitals and Shopping Complex besides huge extent of agricultural lands. His mother in law used to contribute sizable amount to her daughter, the wife of the petitioner. The petitioner possess proper account for the entire money which was seized from his possession. Being public servant, the petitioner undertakes that he would cooperate with the investigation and would not abscond. That apart, all the witnesses are official witnesses and as such, there is no chance of tampering with the witnesses.

6. The learned senior counsel would further submit that the petitioner hail from a very decent family and is a respectable person in the society. His children are placed in good position. If the petitioner is arrested and detained, he would be subjected humiliation and the image of the petitioner as well as his family members would also be lowered-down in the eyes of the society.

7. The learned senior counsel would lastly submit that the entire allegations were based on documents and as such no custodial investigation would be required. Almost 90 days have been elapsed after the registration of the FIR and substantial investigation would have been completed by this time as most of the witnesses have already been examined. Since the date of occurrence the petitioner was very much available at Vellore and he never absconded and there is no possibility of hampering of investigation and tampering with the evidence.

8. Per contra, the learned Additional Public Prosecutor opposing the petition strongly would submit that the petitioner is working as a Joint chief Environmental Engineer in Tamil Nadu Pollution Control Board and he has been

posted at Vellore Zone which is the one of the very sensitive industrial areas in the State of Tamil Nadu. As there have been repeated complaints that the petitioner receiving huge amount as bribe from the industries for doing favour, a surprise check was organized and during which, huge amount was recovered from the possession of the petitioner which was unaccounted and the petitioner was not able give satisfactory explanation for having possessed such huge amount.

9. The learned Additional Public Prosecutor would submit that huge amount and valuable besides lakhs and lakhs worth property documents were seized from the petitioner. The investigation is at the initial stage and the custodial investigation of the petitioner is necessary in this case. But, due to the pandemic situation on account of COVID-19, the respondent was not able to make further progress in the investigation. The petitioner was holding a responsible post at the Zonal Level and by abusing his position in the office, he may tamper with the witnesses. The petitioner is also a very influential person in the locality and if he is released on anticipatory bail, he may abscond and hamper with the investigation. Therefore, the learned Additional Public Prosecutor

prayed this court to dismiss the petition for anticipatory bail.

10. I have considered the rival submissions carefully.

11. The law on granting pre-arrest bail is well settled that the power under Section 438 of Cr.P.C. should be invoked sparingly and only in exceptional circumstances. Anticipatory bail cannot be granted as a matter of rule and it can be granted only when the court is convinced that there exists exceptional circumstances. Especially, corruption and economic offences need to be visited with different approach.

12. Further, it has been consistently cautioned by the Hon'ble Supreme Court that, while granting bail, the court has to keep in mind the nature of accusation, gravity of offence, character of the accuse, the reasonable apprehension of the witnesses being tampered with and the likelihood of absconding of the accused apart from the larger interest of public.

13. In the instant case, the petitioner was holding the post of Joint Chief Environmental Engineer in the Tamil Nadu Pollution Control Board, which is highest post in a Zone. The area where the petitioner was posted is an industrial belt where there are number of huge industries apart from leather industries. The respondent police recovered huge amount to the tune of Rs.3.25 crores, besides huge quantity of gold ornaments and silver articles and property documents from the petitioner. The allegation against the petitioner is that he had obtained huge money as bribe from the industrialists for doing favour and the petitioner was not able to offer any satisfactory explanation for having possessed such huge assets. The raid was conducted immediately after the Zonal Level Review Meeting headed by the petitioner on 13.10.2020. During arguments, even though the learned senior counsel for the petitioner made an attempt to convince this court that the petitioner is having proper account for the amount and the gold and silver items and they were all given by his mother in law to her daughter, the wife of the petitioner, such contention was not supported by any acceptable materials. The investigation is at the initial stage. The materials available on record prima facie shows that the amount, gold and silver items and the property documents were all unaccounted and no acceptable explanation was offered by

petitioner. Under these circumstances, the contention of the petitioner cannot be countenanced. If anticipatory bail is granted at this stage, it may frustrate the investigating agency in interrogating the petitioner and in collecting useful information and also the materials which the petitioner might have been concealed, for that custodial interrogation is necessary. That apart, considering the position occupied by the petitioner as rightly contended by the Additional Public Prosecutor there is a likelihood of tampering of witnesses and records.

14. Having regard to the all these circumstances and also considering nature and gravity of the accusation, this court is not inclined consider the request for anticipatory bail and this criminal original petition is liable only to be dismissed.

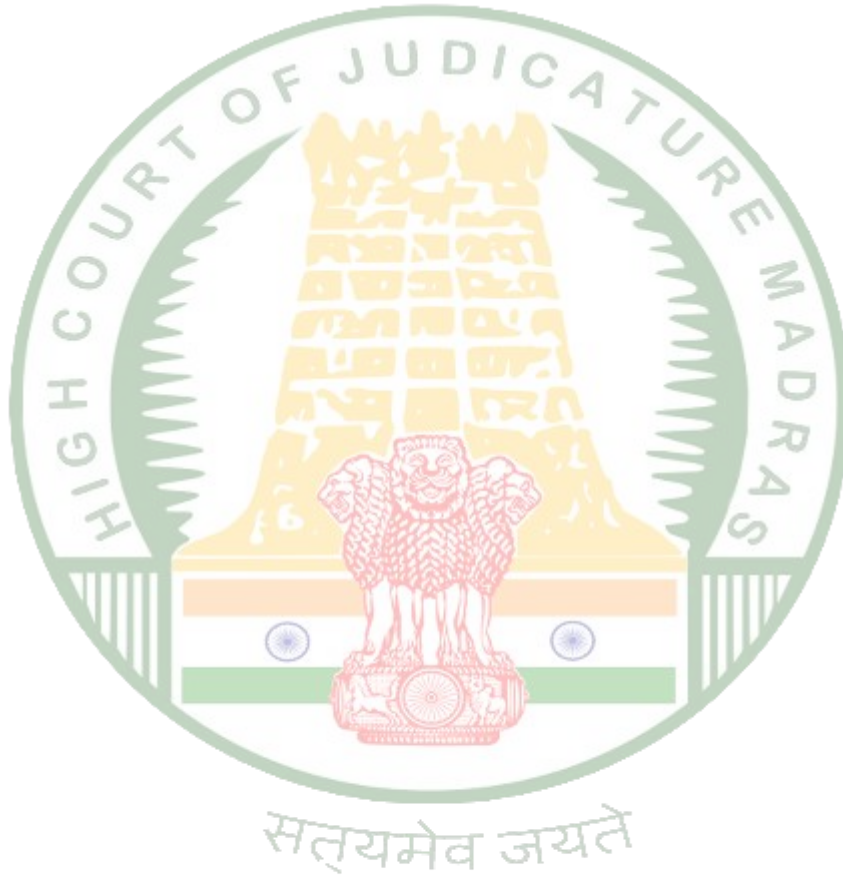
In the result, this Criminal Original Petition is dismissed.

Index : yes.
Internet : yes.
Speaking / Non Speaking Order
kmk

18..01..2021

To

- 1.The Inspector of Police, Directorate of Vigilance and Anti-Corruption,
Vellore District.
- 2.The Public Prosecutor, High Court, Madras.

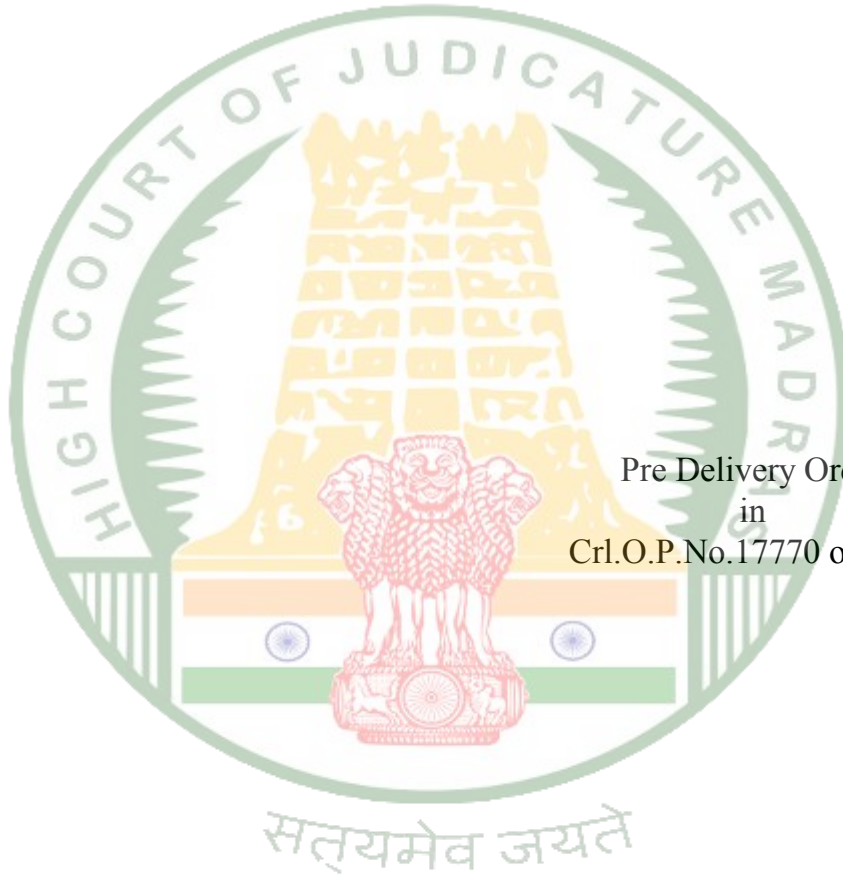


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V.BHARATHIDASAN.J.,

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Pre Delivery Order
in
Crl.O.P.No.17770 of 2020

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