

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.18667 of 2020

Dr.R.Sumathi

... Petitioner

-Versus-

The Inspector of Police,
Special Investigation Cell,
Vigilance Anti Corruption,
Chennai 600 016. Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No.13/2020/AC/HQ pending investigation on the file of the respondent.

For Petitioner : Mr.R.Narendran

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.13/2020/AC/HQ on the file of the respondent police for the alleged offences punishable under Section 409 of IPC, Section 13(2) r/w 13(1)(c) and 13(1)(d) of The Prevention of Corruption Act, 1988, is before this court seeking anticipatory bail.

2. The petitioner is said to be working as Tutor in the Department of Community Medicine, Tirunelveli Medical College, Tirunelveli District. She was said to have been working as Deputy Director, Health Services, Thiruvavur District from 20.11.2014 to 29.02.2016. The allegation against her is that, while she was working so, the Government had accorded sanction for the purchase of nine units of Colour Doppler Ultra Sound Machines and based on the same the petitioner had placed order for the purchase of Surabi make - Ethiroli Tiny 16A model. But, the machines purchased were not upto

the standard. The total units purchased were only 8 as against 9 units sanctioned by the Government. Further, in the stock register maintained by the office, there is an entry to the effect that as if the machines purchased were WIPRO Ge logiq 100 pro. It was also found during initial investigation that the machines supplied were assembled and the parts used were all substandard parts imported from China. The cost of 8 units of equipments purchased would be worth not more than a sum of Rs.30,000/- whereas the payment made was Rs.3,48,500 at the rate of Rs.3,48,500 for 9 units.

3. The learned counsel for the petitioner would submit that the purchase was made in the year 2016 when the petitioner was working as Deputy Director. The purchase order would clearly show that the petitioner placed orders for supply of Ehiroli Tiny 16A Model - Surabi Make and the equipments delivered were also of same make and model. There is no material to show that the petitioner had inflated the cost of equipments and the equipments were of substandard and are available in market for lower price. The equipments are still working in good condition.

4. The learned counsel for the petitioner would further submit that four years after the purchase of the equipments, the present FIR has been registered on a complaint from the incumbent officer with a mala fide intention.

5. The learned Additional Public Prosecutor would on the other hand strongly oppose the granting of anticipatory bail to the petitioner contending that the petitioner had placed ordered only for the purchase of Surabi make - Ethiroli Tiny 16A model equipments and the equipments supplied were also of the same make and model whereas the entry in the stock register was made as if the equipments purchased were WIPRO Ge logiq 100 pro. Further, according to him, the petitioner had inflated the cost of the equipments and as against 9 units, only 8 units were supplied and the equipments supplied were all also found to be assembled with substandard parts.

6. I have considered the rival submissions carefully.

7. The petitioner has been arrayed as A1 and one Dr.A.Subramani, former Deputy Director of Health Services, Thanjavur District has been arrayed as A2. Admittedly, the purchase of equipments was made in 2016 from one APJ Medical Technology. The materials placed before this court prima facie show that the equipments supplied were inconsonance with the purchase order and they are still working in good condition. The entire cost of the equipments was made by the department through ECS only. The present case has been registered after four years of the purchase alleging that the petitioner had inflated the cost of the equipments and purchased substandard machines for higher cost. The petitioner is an official of the State Government and holding a dignified post and she has root in the

society. The accusation is borne out of records. Thus, there is no possibility of absconding and tampering with the evidence. Considering the submissions made on either side and the status of the petitioner and all other facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate cum Special Judge, Tiruvarur, Tiruvarur District, on her 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 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 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 make herself available for interrogation as and when required by the police.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/02/2021

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 SPECIAL JUDGE CUM
CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR, TIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
SPECIAL INVESTIGATION CELL,
VIGILANCE ANTI CORRUPTION,
CHENNAI 600 016.

+1 CC to M/S.R.NARENDREN Advocate on payment of necessary charges
SR.No.1877

CRL OP.18667/2020

Date :18/02/2021

cs 25/02/2021

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