

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20396 of 2020

G.Chellappa

... Petitioner/Accused No.4

-Vs-

The Superintendent of Police,
CBI, ACB,
Chennai.

(RC MA1 2016 A 0023/2016)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner, on bail at the time of his arrest, in RC MA1 2016 A 0023 of 2016 on the file of the respondent herein.

For Petitioner : Mr.A.P.Loganathan

For Respondent : Mr.Srinivasan
Special Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120B r/w 420, 201 IPC, Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, in FIR RC MA1 2016 A 0023 of 2016, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A4/petitioner is the General Manager working in Manali Fertilizers Company Limited. The allegation is that the petitioner along with other higher officials wrongly awarded contract to a foreign company and received pecuniary benefits. Hence, the crime was registered against nine persons.

3.The learned counsel for the petitioner would submit that the petitioner is only a lower grade officer. A4/petitioner is the General Manager working in Manali

Fertilizers Company Limited, he is the executive authority, and all the decisions were taken to award contract was by the A1 to A3/higher officials, he has nothing to do with the decision making process, now he turned an approver and also given a statement before the Judicial Magistrate.

4.Today, when the matter is taken up for hearing, Mr.Srinivasan, learned Special Public Prosecutor appearing for the respondent would submit that the petitioner is arrayed as A4, and he offered to turn as approver and also given a Statement before the concerned trial Court under Section 164 Cr.P.C. Now a pardon proceedings has been initiated, and the investigation is completed.

5.Heard the learned counsel appearing for the petitioner as well as the learned Special Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and the petitioner offered to turn as approver and a pardon proceeding also initiated, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Principal Special Judge for CBI Cases, Chennai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

05/01/2021

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,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT OF POLICE
CBI, ACB,
CHENNAI.

+1CC to M/S. A.P.LOGANATHAN Advocate on payment of
necessary charges SR NO.148 सत्यमेव जयते

CRL OP.20396/2020

Date :05/01/2021

MK:22/01/2021

WEB COPY