



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22216 of 2021

P.Lingasamy

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police,
SPE/CBI/ACB
Chennai - 600 006.
RCNO.MA 1 2020 A0001

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in crime No. R.C.No.MA 1 2020 A0001 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

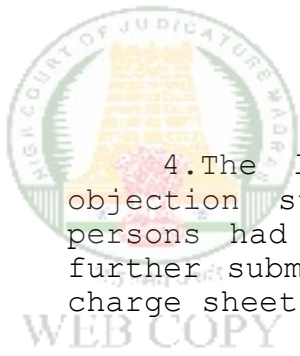
For Respondent : Mr.K.Srinivasan
Special Public Prosecutor

ORDER

The petitioner who apprehends arrest for the alleged offence under Section 120 - B r/w 420 & 409 of IPC and section 13 (2) r/w 13 (1) (a) of Prevention of Corruption (Amended) Act, 2018 in Crime No. RCNo. MA1 2020 A0001 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that defacto complainant given a complaint stating that during the period of 2013-2019, the petitioner along with other persons received a payment under different ledger codes, without incurrence of expenditure misappropriated the Government funds for a sum of Rs.79.78 lakhs by using fake bills. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and he is an IIT Student joined the service on 2008, from the joining of his service, he has no black mark against him and he received the amount from the certain account and re-transferred it to the same account. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Special public prosecutor (CBI) Cases raising objection stating that the petitioner along with other accused persons had misappropriated the funds belongs to the BEL. He also further submitted that the investigation has been completed and the charge sheet has also been filed.

5. On considering the allegation leveled against the petitioner who is working as Deputy Manager in the company, during the period of 2013 -2019 on different occasion some of the amounts were credited in his account, with regard to that investigation is going on and he already suspended on 2019. On seeing the allegations it needs detailed investigation and also he is the Deputy Manager of BEL there is no possibility for absconding, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court, 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 and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall stay at Chennai and report before the respondent police on every Tuesday and Sunday at 10.30 a.m. Until further orders.

(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 anticipatory 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;



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

-sd/-

08/12/2021

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 INSPECTOR OF POLICE,
SPE/CBI/ACB, CHENNAI - 600 006.

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

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary
charges Sr.14259

CRL OP.22216/2021

Date :08/12/2021

RVR 16/12/2021