



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

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

Crl.O.P.No.24657 of 2021

1.M.Menaka
2.K.R.Renuka
3.K.Mahendran

... Petitioners/Accused 1 to 3

Vs.

The Inspector of Police,
Vigilance and Anti corruption,
Coimbatore.
(Crime No.26 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of their arrest in connection with Crime No.26 of 2021 on the file of the Inspector of Police,Vigilance and Anti corruption, Coimbatore.

For Petitioner : Mr.A.V.Arun

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioners who was apprehend arrest for the alleged offence under Sections 120 (B), 109, 167, 409, 420 of IPC and 13(2) read with 13(1) (c) (d) of the Prevention of Corruption Act, in Crime No.26 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are only implementing authorities as whatever has been decided by the Town Panchayat counsel. It is alleged that the 2nd petitioner had allowed A4 and A5 to enrol as registered contractors and allowed them to participate in the tender to execute the works in Kannampalayam Town Panchayat without adhering to the norms of registration. Further, it was stated that the pipe laying works to the tune of Rs.94.5 lakhs



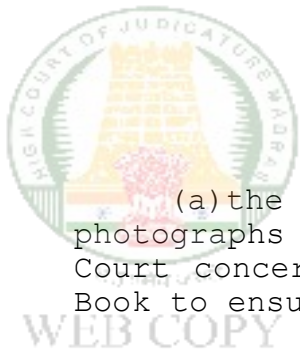
was split up into 27 works and got the sanction of the 6th accused. It was alleged that the 1st petitioner prepared the estimation and forwarded it to the 3rd petitioner herein and the 3rd petitioner had granted technical sanction when the A4 and A5 are not eligible to participate in the tender process. It is also alleged that substandard PCV pipes were used in the execution of the 27 works and on this allegation the above complaint came to be registered against the petitioners.

3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence and the selection of the contractor is not within the powers of the petitioners. A4 has applied and registered as contractor with RCs issued by the Commercial Tax Office, Singanallur Circle and hence, the petitioners cannot be faulted. The contracts have been given only as per the resolution passed by the Kannampalayam Town Panchayat and the petitioners have no role to play regarding selection of registered contractors. The case has been falsely registered and the petitioners have no role to play in the alleged offence. He further submitted that each of the petitioner, without prejudice to their defence and contentions, on their own volition, are ready to deposit a sum of Rs.5,00,000/- (each) to the credit of crime number. Hence, he prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) raised objection by stating that there are totally several accused in this case and these petitioners are arrayed as A1 to A3. He further submitted that these petitioners are still in service. He also submitted that there are no previous cases pending against these petitioners. However, he opposed for granting anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and all are Government Servants, also the fact that there is no previous case pending against these petitioners and the petitioners are ready to deposit a sum of Rs.5,00,000/- (each) to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge, Special Court for cases under the Prevention of Corruption Act, Coimbatore, on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioners 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 petitioners are directed to deposit a sum of Rs.5,00,000/- (each) to the credit of Crime No.26 of 2021 before the learned Special Judge, Special Court for cases under the Prevention of Corruption Act, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence in the case.

(c) the petitioners shall report before the respondent police every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

-sd/-
16/12/2021

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.



1 SPECIAL JUDGE,
SPECIAL COURT FOR CASES UNDER THE PREVENTION
OF CORRUPTION ACT, COIMBATORE.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.V.ARUN Advocate on payment of necessary charges
SR.NO.14956

CRL OP.24657/2021

Date :16/12/2021

RW 28/12/2021