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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.Nos.24896 and 25017 of 2021

P.Selvakumar ... Petitioner in Crl.O.P.No.24896 of 2021

C.Sivasankari ... Petitioner in Crl.O.P.No.25017 of 2021

Versus

State Rep by ... Respondent in both Crl.O.P's
The Inspector of Police
Vigilance and Anti Corruption,
Vellore.
(Crime No.20 of 2021)

Prayer:- Criminal Original Petitions filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.20 of 2021 pending investigation on the file of the respondent police.

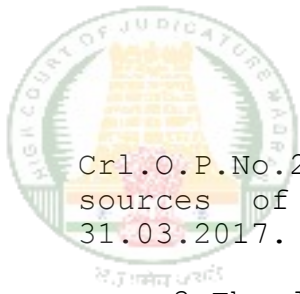
For Petitioners : Mrs.Nalini Chidambaram
Standing Counsel for M/s.C.Uma
(in both Crl.O.P's)

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)
(in both Crl.O.P's)

Order

The petitioners in both Crl.O.P's, who apprehend arrest for the alleged offences under Section 109 IPC r/w Section 13(1)(e) 13(2) of the Prevention of Corruption Act, 1988 in Cr.No.20 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in both Crl.O.P's is that the petitioners in both the Crl.O.P's were husband and wife and they apprehends at the hands of the respondent police for the allegation that being the public servant, the petitioner in Crl.O.P.No.24869 of 2021 has accumulated of properties and pecuniary assets to the tune of Rs.67,48,255/- in his name and his wife/petitioner in



Crl.O.P.No.25017 of 2021 which are disproportionate to his known sources of income during the check period from 01.04.2013 to 31.03.2017. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that they have also filed affidavit separately in both Crl.O.P's undertaking to the

effect that they will not alienate any immovable property standing in the name of the petitioners or in their family member's name and further they are ready to co-operate with the respondent investigation. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that the petitioners in both Crl.O.P's are alleged to have accumulated pecuniary assets to the tune of Rs.67,48,255/- in the their names which are disproportionate to their known sources of income during the check period form 01.04.2013 to 31.03.2017. He further submits that on the basis of the house search warrant issued by the lower Court, the house search was conducted at the house of the accused persons on 06.12.2021 and during the course of the house search, there were 30 numbers of documents, cash of Rs.23,32,770/- and a Demand Draft No.037003 dated 06.11.2021 drawn at Bank of Baroda, Thiruvallur for Rs.10,73,520/- found for which neither the accused one Tr.P.Selvakumar nor his wife Tmt.C.Sivasankari had satisfactorily accounted for, hence the documents, cash and the Demand Draft were seized and were properly handed over to the

concerned lower Court on the next day 07.01.2021. He furthermore submits that the investigation is pending in this case. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the affidavit filed by the petitioners in both the Crl.O.P's are recorded and since the petitioner in Crl.O.P.No.24896 of 2021 is a Government servant, there is no chance of absconding and as the petitioners in both Crl.O.P's are ready to submit their passports before the trial Court, this Court is inclined to grant anticipatory bail to the petitioners in both Crl.O.P's with certain conditions.

6. Accordingly, the petitioners in both Crl.O.P's are ordered to be released on 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/Chief Judicial Magistrate, Vellore**, on condition that the petitioners shall execute a bond 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:

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(a) the petitioners are directed to deposit a non-refundable amount of Rs.1,00,000/- each to the credit of Government Leprosy Home, Chengalpattu and same is to be utilized to improve the infrastructure of the Home under the supervision of the District Collector, Chengalpattu within a period of three weeks from the date of receipt of copy of this order and get due acknowledgement from him and produce the same before the **learned Special Judge/Chief Judicial Magistrate, Vellore**, at the time of executing sureties.

(b) 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;

(c) the petitioner in Crl.O.P.No.24869 of 2021 is directed to report before the respondent police daily at 10.30 a.m until further orders and the petitioner in Crl.O.P.No.25017 of 2021 shall appear before the respondent police 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/-

23/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE SPECIAL JUDGE
CHIEF JUDICIAL MAGISTRATE, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VELLORE.

+4 CC to M/S.C.UMA Advocate on payment of necessary charges
SR.NO.15336, 15337, 15457, 15458

CRL OP.24896 & 25017/2021

Date :23/12/2021

TA-05/01/2022