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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/11/2022

PRESENT

**The Hon`ble Mr.Justice A.A.NAKKIRAN**

**CRL OP(MD) . No.11564 of 2022**

S.P.Ramamoorthy

... Petitioner/6<sup>th</sup> Accused

Vs

State rep.by  
The Inspector of Police,  
Vigilance and Anti Corruption  
Madurai Detachment  
(Crime No.4 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Ashok.S Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 13(2) r/w 13(1)(d) of Prevention of Corruptions Act, 1988 and Sections 167, 409, 420, 467, 471, 477 (A) r/w 120(b) of I.P.C, in Crime No.04 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Branch Manager of M/s.Heranba Industries Ltd., Mumbai. The petitioner/6<sup>th</sup> accused obtained government tenders from M/s.Tamil Nadu Medical Services Corporation Ltd., Chennai. From the year 2012 to 2017, without suppling of the TEMPHOS (Mosquito oil), the



petitioner colluded with the government officials has raised 17 bills and received to the tune of Rs.88,88,188/- vide various cheques from the Government Exchequer. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is ready to co-operate with the investigation and also ready to produce all documents available with him and he shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that on earlier occasion, the official respondent was present before this Court and he stated that the petitioner may produce all the relevant documents and they also ready to peruse the same and they have no idea to arrest the petitioner as on date. He would further submit that the petitioner has not produced any documents till date and not co-operated with the investigation and the investigation in this case is still pending. Hence, he prayed for dismissal of this petition.

5.Considering the submissions made by the learned counsel appearing on either side and also considering the facts that the petitioner is ready to produce all documents and co-operate with the investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 of receipt of a copy of this order, before the learned Special Judge for Trial of Cases under Prevention of Corruption Act, 1988, Madurai, 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 learned Magistrate concerned and on further conditions that:

**[a]**the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

**[b]**the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

**[c]**the petitioner shall not tamper with the 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 229-A IPC.

Sd/-  
08/11/2022

/ TRUE COPY /

/11/2022  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

cp

TO

1. THE SPECIAL JUDGE FOR  
TRIAL OF CASES UNDER PREVENTION OF  
CORRUPTION ACT, 1988, MADURAI.
2. THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI CORRUPTION,  
MADURAI DETACHMENT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+2. CCs to M/S.ASHOK S Advocate SR.No.12686 &12733

ORDER  
IN  
CRL OP(MD) No.11564 of 2022  
Date :08/11/2022

SP/BUC/SAR I/25/11/2022/3P/6C