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CrI.O.P.No.1294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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

CrI.O.P.No.1294 of 2023

Sadhguru Das

... Petitioner

Vs.

1. The Superintendent of Police

Central Bureau of Investigation, of Tamil Nadu

Anti – Corruption Branch,

'A' Wing, 3rd Floor,

Shastri Bhavan,

No.26, Haddows Road,

Chennai – 600 006.

FIR in RC0322023A0001/CBI/ACB/Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner on bail pending in FIR in

RC0322023A0001/CBI/ACB/Chennai, pending on the file of the respondent.

For Petitioner : Mr.Arun Anbumani
for Mr.S.A.Jawahar Basha
For Respondent : Mr.K.Srinivasan
Special Public Prosecutor



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ORDER

The petitioner, who was arrested on 05.01.2023 and remanded to judicial custody on 06.01.2023 for the alleged offences punishable under Sections 120(B) IPC read with Sections 7,7A, 8 and 12 of Prevention of Corruption Act, 1988 as amended in 2018 in RC0322023A0001/CBI/ACB/Chennai on the file of the respondent, seeks bail.

2. The case of the prosecution is that first accused is working as Superintending Engineer/Planning, CPWD, Chennai, and looking after the duties of District Valuation Officer of Income Tax and he is assisted by second accused/Assistant Valuation officer. In the month of August 2022, the second accused had inspected the property situated at Bogan Villa, Anna Nagar, Chennai, which is belongs to fourth accused, during the inspection, he found that the differences in the value of the property about Rs.26,00,000/- regarding discrepancies in the value of the property, second accused approached fourth accused and offered him that he would help him to get favourable order and asked him to meet A1, However, fourth accused have requested to meet A2 and A2 will talk to A1 and fix a meeting on



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04.01.2023. third accused met first accused at his residence in the presence of second accused on 04.01.2023 and A1 assured favourable order and demanded a bribe of about Rs.3,25,000/-. On 05.01.2023, A4 informed A3 that he is having the amount in his bank account to be given to the IT valuation cell officials as demanded by them. Then A3 informed A4 that he should keep ready Rs. 3.5 lakhs in a cover and seal it and will his staff to collect the cover. Based on the secret information the respondent reached the Hotel Ratna Cafe, Adyar, Chennai, and found A2 with bag came out from the hotel and he was intercepted and he admitted that he received Rs.2,25,000/- as bribe. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is falsely implicated in this case. Further he submitted that the petitioner is aged about 71 years and Rs.1,25,000/- was recovered from the petitioner premises. Hence he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor filed counter and stated that with regard to first accused investigation was pending and they collecting materials to take appropriate action.



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5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on records.

6. Taking into consideration the fact and the submissions made by the learned counsel and taking note of the fact that the petitioner is aged about more than 71 years and for him the investigation almost completed. Hence this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Special Judge for CBI cases/VIII Additional City Civil Court, Chennai**, and on further conditions that:

[a] the sureties shall affix their 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;



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[b] the petitioner shall report before the respondent on alternative days at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

31.01.2023

Note : Issue Order copy today (31.01.2023)
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T.V.THAMILSELVI,J.

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To

1. The Principal Special Judge
for CBI Cases/VIII Additional City Civil Court,
Chennai.
2. The Superintendent of Police
Central Bureau of Investigation, of Tamil Nadu
Anti – Corruption Branch,
'A' Wing, 3rd Floor,
Shastri Bhavan,
No.26, Haddows Road,
Chennai – 600 006.
FIR in RC0322023A0001/CBI/ACB/Chennai.
3. The Central Prison, Puzhal
4. The Public Prosecutor,
High Court of Madras.

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31.01.2023