



Crl.O.P.No.1781 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2023

CORAM :

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

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D.Manjunathan,
S/o.Duraisamy

... Petitioner

Vs.

The State rep. by
Superintendent of Police,
CBI/ACB/Chennai
R.C.No. 0322023A0001/2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in R.C.No. 0322023A0001/2023 pending on the file of respondent police.

For Petitioner : Mr.C.V.Ramachandramurthy

For Respondent : Mr.K.Srinivasan,

Spl. Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.01.2023 for the alleged offence under Sections 7, 7A, 8 & 12 of PC Act r/w 120(B) of I.P.C. in R.C.No. 0322023A0001/2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner is working as Assistant Valuation Officer at I.T. Valuation Cell, Chennai and in criminal conspiracy with A1, demanded undue advantage of Rs.3.50 lakhs from A3, who is Auditor of A4 for getting favourable order in the matter of evaluating the property of A4 situated at Anna Nagar East, Chennai, which was referred to Income Tax Valuation Cell by National Faceless Assessment Centre. Furthermore, A2 inspected the property of A4 and observed difference in the value of said property of about Rs.26 lakhs. The discrepancies were noticed in the registered value of the property were discussed with A3 and A4 and subsequently, A2 informed that he would submit his report to the District Valuation Officer and demanded a sum of Rs.3.50 lakhs to make some payment to the IT Valuation Cell Officials for getting favourable order. Accordingly, on



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05.01.2023, CBI team intercepted this petitioner at the main entrance of Hotel Ratna Cafe, Adyar for receipt of illegal gratification from A3 at the said hotel and he admitted that he received a sum of Rs.2,25,000/- from A3, who has received the same from A4, property owner. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that so far, there is no other allegation against him and he has unblemished records of service and there is no iota of truth in the allegation made against him. He would submit that he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 31 days from 05.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for



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respondent would submit that this petitioner collected a sum of Rs.2,25,000/- from A3, who is none other than the auditor of A4 as bribery amount for himself and A1 to do undue favour while preparing valuation report favouring assessee/A4 in respect of his property. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that as the petitioner is working as Assistant Valuation Officer at IT Valuation Cell, there is no possibility to abscond and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is **directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) as non-refundable deposit to the credit of Ramakrishna Math, No.31, Ramakrishna Math Road,**



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Mylapore, Chennai-600 004, and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety,** for a like sum to the satisfaction of the **learned Principal Sessions Judge for CBI Cases, Chennai,** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on alternative days at 05.30 p.m. for period of two months and he shall also co-operate for the investigation as and when required.

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take



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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];

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

06.02.2023

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To

1. The Principal Special Judge for CBI Cases,
Chennai.
2. Superintendent of Police,
CBI/ACB/Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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