



Crl.O.P.No.8088 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 13(1) and 13(2) of the Prevention of Corruption Act read with Section 120B, 406 and 420 of the IPC, in Crime No.01 of 2023 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Deputy Superintendent of Police, Vigilance and Anti Corruption, Chennai City – V, is that on the basis of petition dated 19.09.2018 Tr.Jayaram Venkatesan, Convener, Arappor Iyakkam, a preliminary enquiry was conducted and later based on the directions of the Director of Vigilance and Anti corruption a detailed enquiry was conducted. As per the enquiry during the period between 2001 to 2016. The accused who are officials of TANGEDCO, successful bidders who were awarded the contracts and other co-accused with each other and by furnish fake documents and fabrication of documents had made false and excessive



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claims and cheated TANGEDCO and the Government of Tamil Nadu to the tune of Rs.908 crores. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely roped in this case. He would further submit that the fact remains that the petitioners were unsuccessful bidders and they failed in the tender and since it was conducted against the rules, the petitioners had only filed a case against the TANGEDCO and hence, the petitioners were unnecessarily roped in this case. He would further submit that the entire case of the prosecution is on the bonafide of the document and would further submit that the custodial interrogation of the petitioners may not be required in this case. Hence, he would pray for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners' company had also participated in the tender and they were unsuccessful and later formed a syndicate and in order to aid the main accused filed a case before the City



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Civil Court and obtained order of stay so as to enable the successful bidder to continue with the contract and during the course of business the main tender along with the aid of the petitioners and other accused who are officials had cheated Government to the tune of Rs.908 crores. He would submit that summons were issued to the petitioners and they have also appeared for enquiry. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on records.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that summons were issued to the petitioners and they have also appeared for enquiry, this Court is of the opinion that custodial interrogation of the petitioners may not be required and thereby this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners 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 on which the order copy made ready, before **the Special Court for the exclusive trial of PC Act case, Chennai**, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioners shall report before the respondent Police Station everyday at 10.30 a.m., for a period of four weeks and thereafter every Friday at 10.30 a.m., until further orders.**



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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