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Crl.O.P.No.8812 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8812 of 2023

Shandra Mohane

... Petitioner

Vs.

State Represented by
The Inspector of Police,
CBI ACB, Chennai.

(Crime No.RC0322023A0013 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.RC0322023A0013 of 2023, pending investigation on the file of the
respondent Police.

For Petitioner : Mr.E.Balamurugan

For Respondent : Mr.K.Srinivas
Special Public Prosecutor
Assisted by
Mrs.G.Vrindha
Government Advocate



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.03.2023, for the offences punishable under Section 120 B of IPC r/w Section 7 and 7A of the Prevention of Corruption Act, 1988, in Crime No.RC0322023A0013 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant Shri M.Rajendiran, resident of Karaikal had purchased an agricultural land measuring an extent of 1.06 Acres from Shri.Uduman Labbai Maraker, Shri Gowdu Marakar and Smt. Jameela Ummal for total amount of Rs.24,00,000/- and the documentation was done through one Senthilnathan/A2, a document Writer at Karaikal and it was submitted to the petitioner/A1, SRO for registration. The petitioner/A1 had originally demanded an amount of Rs.3,00,000/- as bribe for registering the document and later the demand was reduced to Rs.2,00,000/-. The further allegation is that the defacto complainant, who do not want to give bribe, had given a complaint on 30.03.2023. Based on which, the case was registered by the respondent



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police in Crime No.RC0322023A0013 of 2023 and a trap was laid and on 31.03.2023 on behalf of A1, A3 had received the bribe in his presence and they(A1 and A3) were arrested. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is working as a Sub Registrar of Niravi, T.R.Pattinam, Puducherry and that the document was presented for registration on 28.03.2023 and on the same day, the registration was completed. He submitted that the documents were returned to document writer/A2 on the same day and the petitioner was not aware that the document was withheld by A2. He also submitted that A2, the document writer and A3 have misused the name of the petitioner and he has been unnecessarily roped in this case. He further submitted that subsequent to the arrest, the petitioner has been suspended and the major part of the investigation is over. He also submitted that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The respondent has filed a detailed counter.



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5. Learned Special Public Prosecutor appearing for the respondent

police would submit that it is a case where the petitioner, who is a Sub Registrar, Niravi, Karaikal had demanded a sum of Rs.3,00,000/- for registering the document and he had also earlier received a sum of Rs.50,000/- and later, the demand was reduced to Rs.2,00,000/-. He had earlier received a sum of Rs.50,000/- and had directed A2 not to handover/return the documents till the balance amount of Rs.1,50,000/- was paid. Later, on 31.3.2023, the de facto complainant had gone to the office of the petitioner/A1 and on the directions of A1, had handed over the bribe amount to A3, who is the Assistant of another document writer and at that time, A3 was arrested red-handedly while receiving the bribe. She would further submit that A3 had confessed that the amount was received only on the directions of the petitioner/A1. She would further submit that some vital documents had also been recovered from the house of the petitioner on a house search made and after obtaining necessary permission, the telephonic calls of the petitioner with other accused have been recorded and the voice sample of the petitioner has to be taken. She would also submit that the investigation is in the initial stage and thereby, she would object for grant of bail to the petitioner.



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6. At this juncture, Mr.M.Mohamed Riyaz, learned counsel appearing for the petitioner would submit that the petitioner is now suspended from his job and there is no possibility for tampering with the documents and interfering with the investigation. He would further submit that the petitioner is ready to co-operate with the investigation by furnishing voice sample if called upon and within one week from coming out on bail, he will also file an affidavit of undertaking agreeing to co-operate with the respondent by furnishing voice sample. He would reiterate that the petitioner is in the judicial custody for more than a month.

7. Heard the learned Counsel for the petitioner and the learned Special Public Prosecutor and perused the materials available on record.

8. In this case, the petitioner was arrested for having received bribe of Rs.2 lakhs for registering the document. It is the case of the petitioner that his name was misused by A2 & A3, whereas, it is the case of the prosecution that A1 demanded a sum of Rs.3 lakhs and later, reduced to a sum of Rs.2 lakhs and had earlier received Rs.50,000/- and later, on the instruction of the petitioner, A3 had received the balance amount of Rs.1,50,000/- and while



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receiving bribe, A3 was arrested red-handed. Further, A3 is stated to have confessed that he had received the amount on the instruction of the petitioner. Thereby, the petitioner was arrested on 31.03.2023 and he is in custody for the past 28 days and he has been suspended from the service. The respondent claims that investigation in this case is pending and the voice samples have to be taken from the petitioner and the learned counsel for the petitioner submitted that the petitioner is ready to furnish the voice samples, in the event of being called by the respondent.

9. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. 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**, each for a like sum to the satisfaction of the **learned Special Judge (Under Prevention of Corruption Act Cases), Karaikal**, and on further conditions that:



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[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;

[b] the petitioner shall stay at Chennai and report before the respondent police everyday at 10.30 a.m., except on all Sundays until further orders.

[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] the petitioner, within one week of coming out on bail, shall file an Affidavit of Undertaking stating that he will furnish voice samples, if called upon by the respondent to do so;

[f] 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]*;



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[g] If the accused thereafter abscond, a fresh
FIR can be registered under Section 229A IPC.

28.04.2023

gbi/ssk.

To

1. The Special Judge
(Under Prevention of Corruption Act Cases), Karaikal.
2. The Inspector of Police,
CBI ACB, Chennai.
3. The Central Prison,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

gbi/ssk/ham.

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