



Crl.O.P.No.15845 of 2023

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G.CHANDRASEKHARAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 120(B) of IPC and Sections 7, 7A, 8 & 12 of the Prevention of Corruption Act, 1988 (as amended in 2018) in FIR in RC0322023A0001/CBI/ACB/Chennai on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, the petitioner is implicated in this case as accused on the allegation of giving bribe to A1 & A2 through A3, his auditor. Even assuming the allegation against the petitioner that he gave bribe is true, under Section 8(i) of Prevention of Corruption Act, 1988 proviso, when a person is compelled to give bribe, he has seven days from the date of giving bribe to inform/report the matter to the law enforcement authority. However, in this case before hand, FIR was registered on 05.01.2023 and on the same day, A2 & A3 were arrested and the petitioner was also shown as an accused. He has been cooperating with the investigating authorities and attending enquiries in pursuance to the RC 0322023A0001 – CBI/ACB/Chennai notice



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issued under Section 41A Cr.P.C. Therefore, his arrest is unnecessary and he seeks anticipatory bail.

3. In response, learned Special Public Prosecutor submitted that, when the matter of assessing the petitioner's property was done, he tried to take advantage by giving bribe to A1 & A2, through his auditor A3. With his cooperation, the investigation in this case is almost completed.

4. Considered the rival submissions and perused the records.

5. It is seen from the FIR allegations that A1/Shri Sanjay Chinchghare is working as Superintending Engineer/planning, CPWD. He is also looking after the duties of District Valuation Officer of Income Tax Valuation Cell, Southern Region. The Property situated at Bougain Villa Apartments, Anna Nagar East, Chennai belong to accused Suresh, was referred to the Income Tax Valuation Cell by National Faceless Assessment Centre. It was assessed by 2nd accused D.Manjunathan, Assistant Valuation Officer, IT Valuation Cell. He observed the difference of the



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property at Rs.26,00,000/-. Manjunathan spoke to Suresh and then to Shri Sadhguru Das, on being referred by Suresh. Manjunathan informed Shri Sadhguru Das that he should express whether he is ready for anything to be done so that it can be conveyed to Shri Sanjay Chinchghare. Shri Sadhguru Das assured him that what is to be done can be done. In furtherance, on 04.01.2023, Shri Sadhguru Das met Shri Sanjay Chinchghare at his residence in Besant Nagar in the presence of Manjunathan. That meeting was informed to Suresh through the staff of Sadhguru Das. Shri Sanjay Chinchghare assured to give an order in favour of Suresh. On 05.01.2023, amount was handed over to A2 and he was arrested with Rs.2,25,000/-.

6. Narration of the FIR allegations shows that it is not as though the petitioner is the one, who had initiated the corrupt practice or offered to pay the bribe. On the other hand, the demand had come from A1 & A2 through A3. Therefore, the submission of the learned counsel for the petitioner that petitioner was compelled to pay bribe has force in it. The amount was paid only on



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05.01.2023. As rightly pointed out by the learned counsel for the petitioner, petitioner has 7 days time from the date of giving bribe to inform/report this incident to the Law Enforcement Authority. However, FIR was registered on the same day of giving bribe on 05.01.2023 showing the petitioner also as an accused. Showing the petitioner as an accused before the completion of 7 days from 05.01.2023, is not correct as per proviso to Section 8 of the Act. Now, it is informed that petitioner is cooperating with the investigation and investigation is almost completed.

7. In this scenario, this court is of the view that custodial interrogation of the petitioner is not necessary. 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 on which the order copy made ready, before **the learned Principal Special Judge for CBI Cases/VIII Additional City Civil Court, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties** each for a like sum to the satisfaction of the respondent police or the police



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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 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 Aadhar card or Bank pass Book to ensure their identity.

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

[c] the petitioner shall not tamper with 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



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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 229A IPC.

25.07.2023

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