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Crl.O.P.Nos.2882, 2883 & 3033 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P. Nos.2882, 2883 & 3033 of 2025

Babu	...Petitioner/Accused-1 in Crl.O.P. No.2882 of 2025
Sampathkumar	...Petitioner/Accused 4 in Crl.O.P. No.2883 of 2025
Paranthaman	... Petitioner/Accused 2 in Crl.O.P. No.3033 of 2025

Vs.

State rep by
The Inspector of Police,
Special Vigilance Cell,
Vigilance and Anti Corruption,
Chennai.
(Crime No.01 of 2025)

... Respondent in all
Crl.O.P's

COMMON PRAYER: These criminal original petitions have been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.01 of 2025 pending investigation on the file of the respondent police.



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For Petitioners : Mr.R.Vivekananthan
in Crl.O.P. Nos.2882 of 2025

Mr.John Sathyan, Senior Counsel
for Mr.Arunkumar
in Crl.O.P. No.2883 of 2025

Ms.M.Kruthika
in Crl.O.P. No.3033 of 2025

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
in all Crl.O.Ps.

ORDER

These Criminal Original Petitions have been filed by the petitioners, who apprehend arrest at the hands of the respondent, seeking anticipatory bail in Crime No.01 of 2025 registered for the offence under Sections 7, 12 and 13(1)(a) of Prevention of Corruption Act, 1988 as amended in 2018 and Sections 406, 409, 420 r/w 109 IPC.

2. The case of the prosecution is that A1 to A3 were working as Engineers in the Highways Department; that A4 is the contractor and A1 is now retired; that during the period between 2019-2020, they indulged in



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criminal misconduct by executing the work of strengthening the Sevittupanapakkam Burial Ground, BT Road at Vadakunallur Panchayat, Sholvaram Block in a sub-standard manner; that on inspection conducted in the year 2023, it was found that there was a shortage of thickness of bituminous layers at the sight as detailed in the FIR; and that the petitioners had caused a total loss to the tune of Rs.24,98,850/- to the Government and thus the petitioners have committed the offence under Sections 7, 12 and 13(1)(a) of the Prevention of Corruption Act, 1988 (as amended in 2018) and Sections 406, 409 and 420 r/w 109 of IPC.

3.The learned counsel for the petitioners would submit that the allegations are false; and that in any case, the alleged occurrence took place in the year 2019 and hence, custodial interrogation of the petitioners are not required; and that there are no bad antecedents as against the petitioners and sought for anticipatory bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated



the prosecution case and confirming the fact that the alleged occurrence took place in the year 2019-2020, it was detected during inspection that the petitioners had made a substandard construction and caused loss to the tune of Rs.24,98,850/- to Government.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the fact that the alleged occurrence took place in the year 2019-20, it was detected in the year 2023, the nature of allegations and the case is borne by records, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation and hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.Accordingly, the petitioners are ordered to be released on bail in the



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event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the learned **Chief Judicial Magistrate, Tiruvallur**, 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 said Magistrate, on further condition 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;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of one week and thereafter as and when required ;

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

SUNDER MOHAN, J.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.02.2025

rkp

Copy to:

- 1.The Inspector of Police,
Special Vigilance Cell,
Vigilance and Anti Corruption,
Chennai.
- 2.The Chief Judicial Magistrate, Tiruvallur.
- 3.The Public Prosecutor,
High Court, Madras.

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