



CRL MP NO. 8128 OF 2025
in CRL A No. 389 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 8128 OF 2025

in

CRL A No. 389 of 2025

1. H.Bhima Simha
S/o.Late.H.Raghavendra Rao, Then
Project Direct, National Highways
Authority of India (NHAI), Project
Implementation Unit (PIU),
Villupuram, Residence of Flat
NO.404, Royal Keerthana
Apartments, Opp. to Reddy Girls
Collefe Lane, Narayanaguda,
Hyderabad, Andhra Pradesh State. and
another

2. J.Saravanan
S/o.Shri.Jayaraman, No.19, 1st Floor,
Saraswathi Avenue, Villupuram.

Petitioners/A1 & A2

Vs

State Rep. by
Inspector of Police,



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Central Bureau of Investigation,
Anti Corruption Branch, Shastri
Bhavan, Chennai. (RC 25(A)/2017-
CBI/ACB/CHN)

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 415(2) of BNSS, praying to suspend the sentence imposed by the Learned XIV Additional Special Judge for CBI cases at Chennai-104 vide and Judgment dated 16-04-2025 in C.C.No.7 of 2019 and enlarge the Petitioners on bail pending disposal of the above Criminal Appeal.

For Petitioners: Mr.M.Swamisubramaniam
for Mr.S.Manimaran

For Respondent(s): Mr.K.Srinivasan
Special Public Prosecutor (CBI)

ORDER

The petitioners/A1 & A2 in C.C.No.7 of 2019 were convicted by the trial Court by the judgment dated 16.04.2025. The first petitioner/A1 was convicted for offence under Sections 120(b) of I.P.C. r/w. 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to



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undergo three months simple imprisonment, for offence under Sections 120(b) of I.P.C. r/w. 7, 13(2) r/w 13(1)(d) of P.C. Act, sentenced to undergo four years of rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 7 of P.C. Act and sentenced to undergo four years of rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment, for the offence under Sections 13(2) r/w 13(1)(d) of P.C. Act. The sentence imposed against A1 ordered to run concurrently. The second petitioner/A2 was convicted for offence under Sections 120(b) of I.P.C. r/w. 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment. Aggrieved against the said judgment, the petitioners preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.



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2.The contention of the learned counsel for petitioners is that the first petitioner/A1, who is the Project Director of National Highway Authority of India (NHAI), entrusted with the implementation of Unit pertaining to Villupuram By-pass. The second petitioner/A2 is the Computer Operator employed through the Manpower Agency M/s.M.M.Consultancy. The case projected against the petitioners is that the petitioners demanded a bribe amount of Rs.2,00,000/- from PW3, who made an application for getting access to his hotel and the application was in process, at that time, the demand was made by the petitioners to provide access to PW3's hotel, which is abutting the National Highway. PW2 from M.M.Consultancy, is the approver in the above case who made initial demand, which was cross verified and A1 confirmed the demand. In this case, a complaint was lodged on 26.10.2017 through phone to the Superintendent of Police, CBI at about 5.00 p.m. On the same day, he instructed the Trap Laying Officer/PW11, who



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was camping in Villupuram to be contacted. PW3 approached PW11, thereafter, complaint forwarded to the Superintendent of Police, CBI, Chennai. The next day, F.I.R. registered and PW11 was authorised to proceed with the trap. On 27.10.2017 at 10.30 a.m. Pre-trap conducted at Shri. Balaji Guest House, Villupuram. At 11.35 a.m., PW3/decoy witness and PW4/shadow witness proceeded to the office of A1, where A2-Computer Operator was present, who questioned them and allowed PW3 alone inside the office room of A1. Further it is projected A1 received bribe money, handed over the same to A2, thereafter TLO/PW11 came there, confirmed receipt of money and recovered trap money from A1 & A2 and both arrested.

3.In this case it is a motivated complaint. PW2 is from M/s.M.M.Consultancy, Manpower Agency, Erode. Apart from PW2 there are four other persons from M/s.M.M.Consultancy, who are employed in the project office. There is some dispute with regard to the payment of



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consultancy fee with the Project Director. PW2 took advantage of the same and instigated PW3 to lodge a false complaint against the petitioner as though the petitioner demanded bribe amount to permit access to his hotel. In this case on the application of PW3, the file was processed, plan drawn and recommendation sent to head office, who approved the plan on 24.10.2017. Thereafter only a formal order to be issued and nothing left to be decided by the petitioners. PW2 employed in the office is well aware about the procedures of the file. Hence, demand of bribe money by PW2 for A1 with PW3 are all stage manner. He further submitted that it is admitted by PW3 that on the day of trap he was only allowed to visit A1/first petitioner and he entered the room at 11.30 a.m. and came back within 10 minutes, within a minute trap team entered the office of the petitioners. There is nothing to show that A2 entered the office room of A1, received the bribe amount from A1. It is the trap team, who forced both A1 and A2 to handle the trap amount, to confirm phenolphthalein test and to project receipt of bribe amount. In this



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case, no telephonic conversation between the petitioner and PW3 or with anyone proved to show that there was any demand by the petitioners. Further the petitioners gave explanation that it is PW2, who is doing documentation and connected work with regard to the processing way of access to commercial shops abutting the National Highways, which is confirmed by PW10 and amount of Rs.2,00,000/- forced to PW2 which is now projected against the petitioners. PW2/approver gives an exaggerated version as though the first petitioner/A1 earlier for 16 other proposals received Rs.40,000/- each as bribe, an uncorroborated statement, clearly proves that there is motive and how the petitioners implicated in the above case.

4.The learned counsel further submitted that he examined DW1, an employee of NHAI to prove issuance of show cause notice to PW3 for causing disturbance and obstruction for free flow of traffic in National Highways. The show cause notice not responded, Exs.P17 to P19 are the communications, confirm coercive action initiated by the first petitioner, to



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remove encroachments and trench was cut at the instance of the first petitioner isolating PW3's shop from the National Highway. The entire trap has been enacted with the aid of PW2, who had misunderstanding with the first petitioner. The trial Court not considered these aspects.

5.The learned Special Public Prosecutor submitted that in this case, PW11 is the Trap Laying Officer, PW3 is the decoy witness, who lodged complaint to Superintendent of Police, CBI, Chennai through telephone, who in turn informed PW3 to contact PW11/TLO, who was camping in Villupuram. PW3 approached PW11. The next day, the complaint was forwarded to the Superintendent of Police and F.I.R. Registered, which was forwarded to PW11/TLO. PW11 enlisted service of PW4/Bank Manager (official witness). In presence of PW3 and PW4, amount was recovered from A2. Initially PW3 and PW4 had gone to the office of first petitioner, where A2-Computer Operator restrained PW4 from entering the office room along



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with PW3. PW3 handed over bribe amount of Rs.2,00,000/- to the first petitioner, who then handed over it to the second petitioner. Thereafter, trap team entered, enquired A2. Phenolphthalein test conducted, which confirmed the handling of trap amount. Thereafter A2 was enquired, who informed handing over bribe amount by A1. Phenolphthalein test with A1 conducted, which proved positive. Investigation conducted, documents collected. Thereafter, investigation handed over to another Inspector/PW12. On completion of investigation, charge sheet filed. In this case, on the side of prosecution, 13 witnesses examined and Exs.P1 to P72 marked and M.O.1 to M.O.6 produced. On the side of defence, DW1 examined and no exhibits marked. He further submitted that in this case, the petitioners' submission and defence already considered by the trial Court.

6.Considering the submissions made and on perusal of the material, it is seen that it is a statutory appeal and the points raised by the petitioners



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needs re-consideration. Further, the appeal is not likely to be taken up in the near future, hence, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

7. Accordingly, the substantive sentence of Imprisonment imposed on the petitioners is suspended till the disposal of the appeal and they are ordered to be enlarged on bail, on condition that they shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the trial Court.

8. Further, the petitioners/A1 & A2 shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the appeal and if they are not able to appear before the Trial Court on that day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence as directed by the Trial Court.



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9. Accordingly, this Criminal Miscellaneous Petition is ordered.

29.04.2025

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Note: Issue order copy on 29.04.2025.

To

1. Inspector of Police,
Central Bureau of Investigation,
Anti Corruption Branch, Shastri Bhavan, Chennai.
2. The XIV Additional Special Judge for CBI cases
Chennai-104.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.
rsi

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