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CrI.O.P.No.19277 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.07.2025

PRONOUNCED ON : 05.08.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.19277 of 2025

1.Saranya

2.Prabhu

... Petitioners

Vs

The Union Territory of Puducherry rep. by
The Inspector of Police,
Vigilance and Anti Corruption Police Station,
Puducherry.
(Crime No.09 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in
the event of their arrest connected to Crime No.09 of 2025 pending
investigation before the respondent.

For Petitioners : Mr.R.C.Paul Kanagaraj
for Mr.Soundar Vijay Arulram

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

For Intervener : Mr.M.Gnanasekar



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ORDER

The petitioners apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 7, 12 and 13(1)(b) of Prevention of Corruption Act, 1988 in Crime No.09 of 2025, seek anticipatory bail.

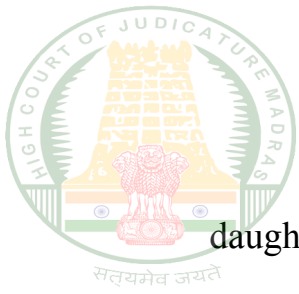
2.The case against the petitioners is that a complaint was lodged by one Mohamed Rafiq on 01.07.2025 stating that on 05.06.2024, his minor daughter was kidnapped. Since he was employed in Middle East, his wife Sharmila and his brother Mohamed Dhaha lodged a complaint with Villianur Police along with CCTV footage and voice recordings at about 7.00 p.m. The first petitioner is the Sub-Inspector of Police, who received the complaint but not enquired his wife and brother and delayed it for five hours thereby facilitated abduction and only at about 12.00 am in the Midnight, she conducted an enquiry, no FIR registered and later they were sent back. On 06.06.2024, the defacto complainant Mohamed Rafiq flown back from Dubai, went to Villianur Police Station, enquired about his daughter and also requested for copy of the FIR. The first petitioner used harsh words and shouted at him. Three days thereafter, he found that the mobile signal of the



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person who abducted his daughter emanated from Kerala, thereafter to, no special team formed and no one went to Kerala. The signal thereafter shifted to Maharashtra and from there to Assam. The first petitioner took three days to respond. Further, the first petitioner demanded money for the travel and other expenses, at that time, the defacto complainant Mohamed Rafiq not paid any money and later on 21.06.2024, when the first petitioner was in Assam, he paid Rs.5,000/- through Gpay. The first petitioner being a public servant received the bribe amount of Rs.5,000/- but not taken proper action on the complaint of Mohamed Rafiq for his missing daughter. Hence, he lodged a complaint to the Superintendent of Police against the first petitioner on 06.07.2024. On 06.08.2024, the second petitioner, who is the husband of the first petitioner working as Sub-Inspector of Police in Bahour Police Station sent Rs.5,000/- to the defacto complainant through Gpay. Based on the complaint, case in Crime No.09 of 2025 registered for the offence under Sections 7, 12 and 13(1)(b) of Prevention of Corruption Act.

3.The contention of the learned counsel for the petitioners is that on 05.06.2024 at about 8.40 p.m. one Sharmila, wife of Mohamed Rafiq came to Villianur Police Station along with her relatives, informed that her



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daughter found missing from the tuition centre at Sulthanpet and also gave a phone number of the suspect. Immediately, the first petitioner sent the phone number of the suspect to SDR LBS Desk Group requesting tower location of the suspect's phone number on the same day at about 8.54 p.m. and at about 9.26 p.m., information received that phone number of the suspect was switched off and thereafter, she instructed Crime Police Personnel to enquire about the missing girl in the Tuition Centre at Sulthanpet and its surrounding area. The said Sharmila after long discussion with her relatives lodged a complaint to Sub-Inspector of Police Mr.Iyyanarppan at about 11.00 p.m. giving details that her daughter went to Rahama Tuition Centre at Sulthanpet and not returned home and she suspected that her daughter might have been kidnapped and requested to take necessary action, based on which, a case in Crime No.178 of 2024 registered under Section 363 IPC During investigation of the case, the first petitioner visited the scene of occurrence, prepared observation mahazar, rough sketch and enquired the witnesses present in the scene of occurrence, wireless messages sent by her to all Police Stations, look out notice prepared and circulated to all Police Stations of Puducherry and bordering Police Stations of Tamil nadu. Subsequently, the first petitioner took up the



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case for further investigation and request was given to Superintendent of Police, West Office to obtain CDR details of the suspect's mobile number and examine CCTV footage of scene of occurrence and its surrounding areas to obtain any clue about the victim girl. Later it came to know that the victim girl went along with a person aged about 20 to 22 years in an auto. Thereafter, it was found that the suspect's phone number was in touch with a phone number in Kottayam. After getting permission with the higher officials, the Crime team went to Kottayam, secured the person who was in touch with the suspect person, who informed that she is the mother of Abraham/suspect person and informed initially he was in touch with her but after missing of the girl, he had not contacted her. Later it came to know that the mother of Abraham was in touch with him, she also sent some money to him and thereafter, she was brought to the Police Station, shown arrest and produced before the Court for remand on 12.06.2024.

4.He would further submit that the tower location of the suspect showed that the said Abraham was in Assam, thereafter a special team headed by the first petitioner proceeded to Assam where she encountered several obstructions and non-cooperation from the local Police. She had to



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contact superior officials, who in turn called the Assam Police for cooperation. Later the suspect moved to Delhi and the Special team moved from Assam to Delhi on 23.06.2024. Since one of the team member fell sick on 27.06.2024, after taking treatment at Government Hospital, Delhi and after getting permission from the higher officials, the Special team headed by the first petitioner returned back to Villianur on 01.07.2024 and submitted a report to the Superintendent of Police about the steps taken and the places visited from the day they left Puducherry till they returned back. During search for the suspect at various places, the first petitioner had to meet her expenses by contacting her husband/second petitioner and others in Puducherry, who were sending money to her through Gpay with which they sustain themselves and continue their hunt for the suspect. During her stay in Delhi, the first petitioner received help through Gpay for her daily needs. The first petitioner was concentrating in securing the victim girl. Thus, she was on a hunting prowl for 19 days in Eastern and Northern parts of India in search of the victim girl and the said Abraham. The delay for not immediately acting on the complaint was that she had to obtain permission from the superior officers to march out from her jurisdiction and further, the photographs initially given by the victim's mother was with covered face



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and the school photograph with full face was obtained with a delay. After getting appropriate permission and following the tower location, the team travelled. He further submitted that during the difficult times when the first petitioner was left with no resources and she was depressed, strained both physically and mentally, she received help from her husband and others through Gpay, at that time, a sum of Rs.5,000/- was received from an unknown number on 21.06.2024 which is now projected that it is the bribe amount sent by the defacto complainant Mohamed Rafiq. Further the publication of the photograph and the news in Dinamalar about the defacto complainant's daughter infuriated him and complaint was lodged. This publication in Dinamalar was not the photograph which was given to the petitioner and the publication in Dinamalar took place when the petitioner was in search for the victim girl in Northern part of India. After coming to know about the allegation by the defacto complainant, the second petitioner, husband of the first petitioner immediately returned the amount to the unknown number on 06.08.2024. The petitioner also lodged a complaint to the Police Department, Puducherry, who conducted enquiry, the defacto complainant, his wife Sharmila and their neighbour Yunus enquired, the petitioner was also examined who gave all details of the search and the team



following the victim and the suspect to various places in Eastern and Northern parts of India and finally, the victim and the suspect secured and arrested on 10.07.2024 at Ladakh by another team headed by the Superintendent of Police. Thus, from the above it is clear that there have been no demand of any bribe amount and a sum of Rs.5,000/- was received from an unknown number when the first petitioner was in search of the victim and the suspect, at that time, she was receiving help from her husband/second petitioner and others for meeting out their regular expenses in a far off place during investigation. Hence, prayed for bail.

5.The learned Government Advocate (Crl. Side) filed his counter and submitted that the first petitioner being a Police Officer ought not to have accepted money from an unknown number. He would submit that the petitioners admit receipt of money and thereafter on coming to know of the complaint, they repaid the same. The normal conduct would be after coming back to Puducherry, the first petitioner ought to have verified as to who are the persons sent money and if any money was received from unknown persons, immediately they should have been contacted and found the reason. But only after the defacto complainant lodged a complaint against the



petitioners, such explanation is now given. He further submitted that request made to the Sanctioning Authority seeking sanction under Section 17(A)b) of PC Act, investigation is at the initial stage, granting of anticipatory bail would obstruct the investigation. The learned Government Advocate (Crl. Side) further opposed the grant of anticipatory bail to the petitioners for the following reasons:

- i. The FIR has been registered recently (01.07.2025), and the investigation is at preliminary stage.
- ii. The prima facie case of illegal gratification of Rs. 5000/- is supported by Digital Payment Evidence (GPay & Phone Pe transaction screenshots).
- iii. The allegations and evidence against them are specific and supported by CDR and digital payment evidence (GPay & PhonePe transaction screenshots) which leaves no room for bail at this stage.
- iv. Further, the interrogation of the accused person is essential to ascertain the full extent of his actions, so granting bail at this juncture would hinder the investigation's progress.
- v. The nature of the offence, the strength of the evidence, the accused's position as a police officer, and the ongoing investigation collectively weigh against granting bail.
- vi. Being a government servant the Petitioner/Accused had received illegal gratification from one Thiru.Mohamed



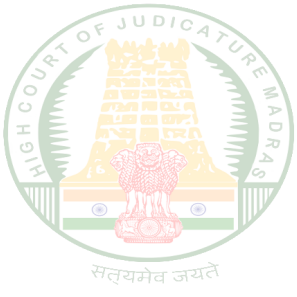
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Rafik to perform his official duty. Hence, his anticipatory bail petition may kindly be dismissed.

- vii. The accused, being a public servant entrusted with upholding the law, has accepted illegal gratification and abused his position for undue advantage.
- viii. If he released on anticipatory bail he will not co-operate for investigation and will not appear for interrogation and it will hinder investigation process.
- ix. If Anticipatory Bail granted to the accused person it will dilute the fear of law among the accused persons. Hence, anticipatory bail may not be granted to the accused person.
- x. If the accused person/petitioner granted bail at the initial stage, that will prompt others government servants to do similar kind of offences.
- xi. The act of the accused person/petitioner regarding illegal gratification one Thiru.Mohamed Rafik to perform her official duty had created bad image to the Police Department. Hence, anticipatory bail may not be granted to the accused persons.
- xii. Given the accused's role as a police officer with knowledge of investigative procedures, there is a reasonable apprehension that he may attempt to tamper with evidence or obstruct the course of justice if granted bail.
- xiii. If the petitioner/accused is granted anticipatory Bail, there is a substantial risk that he will not cooperate with the



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investigation.

xiv. Allowing the accused to be released on anticipatory bail at this stage would not only prejudice the investigation but also erode public confidence in the justice system.

6. The learned counsel for the intervener submitted that the defacto complainant gave a complaint to the Superintendent of Police, Vigilance and Anti Corruption on 01.07 2025 against Sub Inspector of Police one Saranya who failed to investigate the complaint of the defacto complainant's missing daughter. Initially a complaint was given on 05.06.2024 by the defacto complainant's brother Mohamed Dhuha and his wife Sharmila. The defacto complainant directly approached the petitioner on his return from Dubai on 06.06.2024, on demand he sent Rs.5000/- to Saranya from the petitioner's Mobile No.9677476363 to her GPAY No.8903010296. However her husband/second petitioner returned the money on 06.08.2024 from his GPAY No.96776085676 to the defacto complainant's Indian Bank Account No.7349644224 by money transfer transaction ID.T2408062255498453580011. He would submit that a complaint was given by him on 01.07.2025 and further complaint was given to the Director General of Police on 06.07.2024. Only after repeated complaints and



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approaching Chief Vigilance Commissioner the respondent police registered an FIR Under sections 12, 7, 13(1)(b), of Prevention of Corruption Act 1988 on 01.07.2025. Even after registering the case against the accused persons, namely, Saranya/first petitioner and her husband Prabhu/second petitioner, both Sub Inspectors of Police, they have not been arrested so far and not even suspended pending investigation in the criminal offence of corruption. He further submitted that the petitioners admit that they received Rs.5,000/- from the defacto complainant and it was through bank transaction. Once the receipt is accepted, it is confirmed that it was only after demand and it was a bribe amount. Hence, strongly opposed the anticipatory bail petition.

7.Considering the submissions made and on perusal of the materials, it is seen that the petitioners are husband and wife, both working as Sub-Inspectors of Police in the Puducherry Police Department. The defacto complainant's daughter eloped with one Abraham. The defacto complainant's daughter was in touch with the said Abraham using her mother's mobile phone. After collecting all these details and also details given by the Tuition teacher, request was given to find out the tower location through the Superintendent of Police. On monitoring the tower location, it



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was found the said Abraham moved to various places and was in Assam for quite some time. The team lead by the first petitioner went to Assam where she encountered several obstructions and from there the mobile signal of Abraham moved to Delhi. The first petitioner was out of Headquarters searching the victim girl for 19 days in various parts of the Country, at that time, it is natural she will not have sufficient money. On the request of the first petitioner, her husband/second petitioner and others from Puducherry were sending money to meet their regular expenses. The first petitioner in the rank of Sub-Inspector of Police and it is natural that not much support of men and material will be provided to them in the place of visit to other State and more particularly, in Eastern and Northern States of India. The first petitioner was out of Headquarters for 19 days in searching prowl for the victim and if any help rendered, it is natural to accept the same. Only after enquiry on the complaint of the defacto complainant, the first petitioner came to know that money was sent by the defacto complainant which is now projected as bribe. In this case, admittedly during earlier enquiry neither the defacto complainant nor any other witness including defacto complainant's wife and relatives complained there was any demand of bribe. It is *sine qua non* in a case of bribery, there should be a demand followed by acceptance.



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In this case admittedly there is no material as on date of any demand. As regards the second petitioner, he had only returned back the amount of Rs.5,000/- to the unknown number. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 of receipt of a copy of this order, before the learned District Special Judge, Puducherry on condition that the petitioners 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Special Judge, on further condition that:

[a] if the petitioners fail to surrender before the said Special Judge within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Special Judge shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioners shall appear before the respondent



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Police as and when required for interrogation;

[d] the petitioners shall not abscond either during investigation or trial and they shall make themselves available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Special Judge/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Special Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.



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To

- 1.The Inspector of Police,
The Union Territory of Puducherry,
Vigilance and Anti Corruption Police Station,
Puducherry.
- 2.The District Special Judge,
Puducherry.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

cse

Pre-delivery order made in

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