



WEB COPY



Crl.O.P.No.30200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

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

Crl.O.P.No.30200 of 2024

K.Pugalendi

... Petitioner

Vs.

The Deputy Inspector General of Police (ACB),
Central Bureau of Investigation, ACB,
Shastri Nagar, Nungambakkam,
Chennai – 600 006.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in the
event of his arrest in Crime No.RC0322024A0015 on the file of the respondent
Police.

For Petitioner : Mr.C.Iyyapparaj

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor

ORDER

Apprehending arrest in connection with Crime No.RC0322024A0015
registered for the offences punishable under Sections 120B read with 420, 468,
471 of IPC and Sections 7, 8 and 12 of Prevention of Corruption Act, the
present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the petitioner was working as



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the Senior Deputy Director, Research (P and R Cell), Traffic Department, Chennai Port Authority, Chennai. While so, in the year 2022, the petitioner had demanded bribe and had received a sum of Rs.70,00,000/- from the Proprietor and other designated officers of M/s RS Enterprises in order to award a tender related to the disposal of 4 tugs with spares and Annam (Oil Recovery Vessel) for a worth of Rs.3 Crores to be tendered at Chennai Port Trust to M/s R.S.Enterprises. Thereafter, after obtaining necessary permission under Section 17 of Prevention of Corruption Act, 1988 a preliminary enquiry was conducted by CBI, ACB, Chennai. Following which a search was conducted under Section 96 of BNSS of A1 and during the search, a sum of Rs.27 Lakhs cash was also seized. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to rivalry in tender, a false complaint has been falsely foisted against the petitioner. He would further submit that the petitioner has been issued notice of appearance under Section 35(3) of BNSS to appear for enquiry on 06.01.2025 and he is also ready to appear and co-operate for the



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investigation. He would further submit that the petitioner has got valid explanation for the amount seized from his residence and thereby would seek for anticipatory bail

4. The case of the prosecution as putforth by the learned Special Public Prosecutor appearing for the respondent by filing counter is that based on the complaint, preliminary enquiry was conducted and after obtaining consent under Section 6 of DSPE Act from the State of Tamil Nadu, the instant case was registered against the petitioner accused and others for the offence under Sections 120B read with 420, 468, 471 of IPC and Sections 7, 8 and 12 of Prevention of Corruption Act. Pursuant to the same, search was conducted at the house of the petitioner and his relatives. During the search in the residence of the petitioner, a sum of Rs.27 Lakhs has been recovered. The petitioner has not given any satisfactory explanation for the same. He would further submit that the respondent had issued notice for enquiry under Section 35(3) of BNSS on 06.01.2025. He would oppose for grant of anticipatory bail to the petitioner.

5. Having heard the learned counsel for the petitioner and the learned Special Public Prosecutor for the respondent and perused the materials available



on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly the 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 of receipt of a copy of this order, before the learned II Additional District Judge cum Special Judge for CBI Cases, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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 Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] It is made clear that the petitioner, without waiting for the orders passed by this Court, shall report before the respondent Police from 06.01.2025 on all working days at 10.30 a.m., and thereafter, as and when required for investigation;

[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



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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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

03.01.2025

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A.D.JAGADISH CHANDIRA.,J.

mn



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To
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1. The Deputy Inspector General of Police (ACB),
Central Bureau of Investigation, ACB,
Shastri Nagar, Nungambakkam,
Chennai – 600 006.

2. The Public Prosecutor,
High Court of Madras.

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