**Crl.O.P.No.12889 of 2015**

**R.SUBBIAH, J.**

This is the second anticipatory bail petition filed by the petitioner/accused. The earlier anticipatory bail filed by the petitioner in Crime No.10840 of 2015 was dismissed by this Court on 06.05.2015.

2.The petitioner, who apprehends arrest at the hands of the respondents-police in respect of the alleged commission of offence under Section 7 of Prevention of Corruption Act, 1988, in Crime No.7/AC/2015 pending on the file of the respondent-Police, prays the relief of anticipatory bail.

3.The petitioner herein has been arrayed as 2nd accused in this case. The case of the prosecution is that the defacto-complainant Kumar is the Proprietor of the company viz., KJAR Traders situated at No.2/36, Savadikadu, Kasi Naickenpatti, Vazhapadi, Salem District and he is having 2 ½ acres of land in Manivizhunthan Village. Four months back, he started construction of modern rice mill in that place and he obtained temporary EB Connection. In order to get permanent EB Connection, No-Objection Certificate has to be obtained from the Pollution Control Board. Hence, the defacto-complainant applied for No-Objection Certificate before the Pollution

Control Board. It is alleged that on 10.04.2015, on behalf of the petitioner herein, who is the District Environmental Engineer, the 1st accused-Sridar, Assistant Engineer demanded a sum of Rs.40,000/- from the defacto-complainant as illegal gratification, for arranging to issue Board's consent order to establish the defacto-complainant's proposed modern rice mill. Again on 15.04.2015 at his office, the 1st accused reiterated his earlier demand and however, he reduced the bribe amount to Rs.30,000/-. On 16.04.2015, when the defacto-complainant approached the petitioner herein/A2, he reiterated their earlier demand and refused to reduce the bribe amount and he further directed the defacto-complainant to give the bribe amount of Rs.30,000/- to the 1st accused. But, the defacto-complainant was not willing to give the bribe amount to the accused persons. Hence, the defacto-complainant preferred the complaint before the Vigilance and Anti-Corruption Office at Salem. The FIR was registered on 16.04.2015 under Section 7 of the Prevention of Corruption Act, 1988 by the DSP, V & AC, Salem, and a trap was arranged on 17.04.2015 in the presence of two independent official witnesses. During the course of trap proceedings, the 1st accused-Sridar demanded and accepted a sum of Rs.30,000/- as bribe from the defacto-complainant for himself and for the petitioner herein/A2 in the presence of accompanied official witness Periasamy on 17.04.2015 at his office. The phenolphthalen test conducted on the fingers of both hands of the 1st accused as well as the right side pant pocket of the 1st accused, proved positive and the trap amount was recovered intact on production by the 1st accused and he was arrested and remanded to judicial custody. Thus, the accused persons have committed offence punishable under Section 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988.

4.The learned counsel for the petitioner submitted that the trap was laid on 17.04.2015 and the amount of Rs.30,000/- was seized only from the 1st accused. The petitioner is no way connected with the alleged office. Further, the 1st accused was arrested and subsequently released on bail by the Trial Court on 05.05.2015. It is further submitted by the learned counsel for the petitioner that in fact, the petitioner was on leave on the date of alleged trap and he was at Bangalore on that day. The learned counsel for the petitioner further submitted that since the investigation is almost completed, now the custodial interrogation of the petitioner is not necessary. Thus, the learned counsel for the petitioner prayed for grant of anticipatory bail.

5.The learned Government Advocate (Crl.Side), by filing a counter, opposed the grant of anticipatory bail to the petitioner stating that the petitioner is involved in the corruption case; that some of the witnesses are yet to be examined by the respondent-Police; that there is no change of circumstances. Thus, the learned Government Advocate (Crl.Side) sought for dismissal of the petition.

6. I have carefully heard the submissions made on either side and perused the materials available on record.

7.It is the specific allegation against the petitioner/A2 that only on his instruction, the 1st accused received the illegal gratification from the defacto-complainant. But, according to the petitioner, he was out of station on the date of trap. Irrespective of the submissions made on either side, I find that though the earlier anticipatory bail petition of the petitioner was dismissed on 06.05.2015, till date the respondent-Police has not taken any step to secure the petitioner. Further, the 1st accused was arrested and released on bail. Under such circumstances, I do not find any valid ground from the prosecution to deny the relief of anticipatory bail to the petitioner at this stage. Hence, I am of the opinion that anticipatory bail could be granted to the petitioner by imposing stringent conditions.

8.Accordingly, the petitioner is directed to be released on anticipatory bail, in the event of his arrest or on their appearance before the Court concerned, on his executing a 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 learned District & Sessions Judge (Special Court of Prevention of Corruption Act), Salem, and on further condition that the petitioner shall report before the respondent-police twice daily at 10.30 am and 5.30 pm until further orders.

9.The petitioner shall appear before the Court concerned within a period of 15 days from the date of receipt of a copy of this order, failing which, the anticipatory bail granted shall stand automatically cancelled.

18.06.2015

ssv

**R.SUBBIAH, J.**

SSV

**Crl.O.P.No.12889 of 2015**

**18.06.2015**