



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Second day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17623 of 2015

POOVAIYA

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs.

STATE REP.BY
DEPUTY SUPERINTENDENT OF POLICE
CBCID, TIRUNELVELI DISTRICT.
CR. NO. 1 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.ANANDAKUMAR Advocate
For Respondent : MR.C.MAYILVAHANARAJENDRAN,
Additional Public Prosecutor Assist by
MRS.S.PRABHA, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who is the accused, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 306 of I.P.C., and Section 7 of Prevention of Corruption Act, 1988 in Crime No.1 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that in a meeting held in the month of August 2014, the petitioner participated with the accused Nos.1 and 2 in which the first accused had suggested to collect Rs.1,75,000/- as bribe from each persons for appointment of a post of driver in the Agricultural Department. During the discussion, the petitioner had suggested that instead of Rs.1,75,000/-, they can collect Rs.1 lakh from each person.

3. It is the further case of the prosecution that due to the harassment made by the accused, the deceased Muthukumarasamy committed suicide on 20.02.2015 by jumping before a moving train.

4. The learned counsel for the petitioner submitted that the petitioner's name is not referred in the F.I.R. and it is not the case of the prosecution that the petitioner has demanded bribe from the deceased and the only overt act attributed against the petitioner is that he has also participated in the conspiracy hatched by the accused 1 and 2. It is further submitted that the petitioner gave a statement before the Judicial Magistrate under Section 164 of Cr.P.C. on 23.04.2015 and thereupon, he filed an application in Crl.O.P.(MD).No.10653 of 2015 on 11.06.2015 seeking Anticipatory Bail apprehending arrest by the respondent police. However, the petition was dismissed by this Court on 16.06.2015, since it was represented by the learned Government Advocate (Crl.side) that the petitioner is not an accused as on date.



5. The learned Additional Public Prosecutor vehemently opposed granting of anticipatory bail to the petitioner contending that even as per the statement of the petitioner, he was working as a personal assistant to the first accused and he also participated in the meeting held in the month of August 2014 for collecting bribe from the persons, who will be appointed as drivers and therefore, he is not entitled for anticipatory bail.

6. The respondent has also filed a detailed counter opposing the anticipatory bail petition.

7. It is not in dispute that originally the case was registered only against A1 and A2 and based on the statement of the petitioner, now he is arrayed as A3 in this case. It is seen that the respondent has already completed the investigation and also filed a charge sheet and therefore, in my considered opinion, the custodial interrogation of the petitioner is not necessary.

8. In the above facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.I, Tirunelveli and 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 Magistrate concerned and on further condition that the petitioner shall appear before the committal Court as well as the trial Court for all hearing dates except on those days by filing an application under Section 317 of Cr.P.C. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
22/09/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE, CBCID, TIRUNELVELI DISTRICT.

+1. CC to M/S N.ANANDAKUMAR Advocate SR.No.55893

Akm/23.09.2015 /2p-6c/

ORDER
IN