



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Third day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.9426 of 2015

WEB COPY

S. KRISHNAMOORTHY,

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY
THE INSPECTOR OF POLICE
CBCID, TIRUNELVELI,
TIRUNELVELI DISTRICT.
CR.NO.1 OF 2015,

... RESPONDENT/COMPLAINANT

For Petitioner : MR.V.KATHIRVELU, Senior Counsel
for K.PRABHU Advocate

For Respondent : MR.SHANMUGAVELAYUTHAM
PUBLIC PROSECUTOR
ASSISTED BY MR.C.RAMACHANDRAN
ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

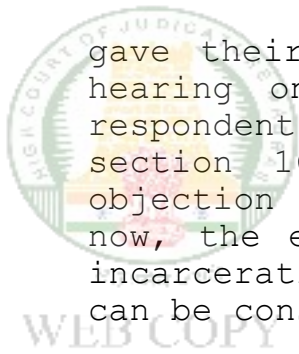
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 in Crime No.1 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 05.04.2015 for the alleged offences punishable under sections 120(B) and 306 of IPC and section 7 of the Prevention of Corruption Act and seeks bail.

2.The case of the prosecution is that the deceased was working as an Assistant Executive Engineer in the Agricultural Department at Tirunelveli and the accused persons have demanded bribe of Rs.12.25 Lakhs for appointment of seven drivers and due to the torture given by the accused persons, he committed suicide by jumping in front of the moving train on 02.02.2015 at 12.30 hours.

3.Mr.V.Kathirvelu, learned Senior counsel for the petitioner submitted that the petitioner had voluntarily appeared before the Deputy Superintendent of Police, CBCID, Metro Wing II, Chennai on 04.04.2015 for the purpose of interrogation and only thereafter, he was arrested on 05.04.2015.

4.The learned Senior counsel further submitted that when the petitioner moved an application for bail before the Sessions Court it was objected by the respondent on the ground that they are going to record 164 Cr.P.C. statement of the witnesses and thereafter, six persons appeared before the Judicial Magistrate and



gave their statements. When the earlier petition was listed for hearing on 30.04.2015, it was objected on the ground that the respondent police are going to examine three more witnesses under section 164 Cr.P.C. In view of the above submission and the objection of the respondent, the earlier petition was dismissed and now, the entire investigation is over and the petitioner has been incarceration for more than 60 days and therefore, his bail petition can be considered.

5. On the other hand, Sri. Shanmugavelayutham, learned Public Prosecutor submitted that one T. Poovaiya, who was working as Personal Assistant to the petitioner, had categorically stated that the deceased was demanded bribe of Rs. 1,75,000/- per post of drivers appointed by the deceased and also threatened with dire consequences. The learned Public Prosecutor further contended that the earlier petition was dismissed only on 14.05.2015 and there is no chance of circumstances.

6. The Deputy Superintendent of Police, CBCIB, Metro Wing, Chennai has also filed a detailed counter, opposing the bail petition.

7. It is true that the earlier petition was dismissed on 14.05.2015. However, admittedly, the prosecution had already examined the witnesses under section 164 Cr.P.C and the only objection by the prosecution is that they have to collect the conduct details of the accused at the relevant time.

8. Considering the stage of the investigation and the period of incarceration by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail, on his executing a personal 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 Judicial Magistrate No. I, Tirunelveli and on further condition that **the petitioner shall stay at Chennai and report before the Deputy Superintendent of Police, CBCID, Metro Wing II, Chennai, daily at 10.00 a.m. until further orders.**

10. The petitioner shall not interfere with the investigation or tamper the witness. In the event of any violation of the above conditions, the respondent/Police is at liberty to move application for cancellation of bail.

sd/-
03/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE, NO.I, TIRUNELVELI

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE TIRUNELVELI DISTRICT

3 THE DEPUTY SUPERINTENDENT OF POLICE, CBCID, METRO WING II,
CHENNAI

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI

5 THE INSPECTOR OF POLICE CBCID, THIRUNELVELI,
TIRUNELVELI DISTRICT.

6 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.PRABHU Advocate SR.No.27268

ORDER

IN

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Date :03/06/2015

NA/PS/03/06/2015/P3/8C