



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

Thursday, the Eleventh day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13053 of 2016

WEB COPY

E. MARIYAPPAN

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
TIRUNELVELI DISTRICT.
(CRIME NO. 4 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S T.LAJAPATHI ROY Advocate

For Respondent : MR.P.KANNITHEVAN, 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 arrayed as accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, in Crime No.4 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant approached the office for transfer of Patta in his name, the petitioner had demanded a sum of Rs.30,000/-. The defacto complainant lodged a complaint before the respondent police. Subsequently, on 20.07.2016, the Village Assistant, who is working in the petitioner's office, has received a sum of Rs.30,000/- from the defacto complainant and it was trapped by the respondent police and the said Village Assistant was arrested and on enquiry, he confessed that he received the amount by the direction of the petitioner. Based on his confession, a case has been registered and.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the petitioner is working as Village Administrative Officer and he has no power to issue an order of change of Patta and the Tahsildar is only the competent authority to issue Patta. The petitioner is not involved in the said alleged occurrence. He further submitted that already the petitioner has been placed under suspension.

5.The learned Government Advocate (Crl. side) submitted that the investigation of the case is pending.

6.Considering the nature of allegation made against the petitioner and also the fact that already the petitioner has been placed under suspension, this Court is inclined to enlarge the petitioner on bail



with certain conditions. 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 Special Court for Vigilance and Anti Corruption Wing, Tirunelveli, and the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily twice at 10.00 a.m. and 05.00 p.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-

11/08/2016

/ TRUE COPY /

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

TO

1 THE SPECIAL COURT FOR VIGILANCE AND ANTI CORRUPTION WING,
TIRUNELVELI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
TIRUNELVELI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S T.LAJAPATHI ROY Advocate SR.No.43991

ORDER

IN

CRL OP(MD) No.13053 of 2016

Date :11/08/2016