



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13834 of 2016

MUTHUSELVAN

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTICORRUPTION SPECIAL WING,
TIRUNELVELI DISTRICT.
IN CR.NO. 3 OF 2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.B. PRAHALAD RAVI Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 22.07.2016 for the alleged offences punishable under Sections 7 and 13(2) r/w. Section 13(1)(D) of Prevention of Corruption Act, in Crime No.3 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 21.07.2016, the petitioner for making entries in "M" Book maintained by the Kadayam Panchayat Union, Ambasamuthiram Taluk, Thirunelveli District received a sum of Rs.4,000/- from one Senthil and he was caught red handed. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that due to previous enmity, the said Senthil has given a complaint against the petitioner and the petitioner is in judicial custody from 22.07.2016 and prays for enlarging the petitioner on bail.

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

5.Considering the contention of learned counsel for petitioner that due to previous enmity with one Senthil a false case has been foisted against the petitioner and he is in judicial custody from 22.07.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the



petitioner is ordered to be released on bail, subject to the following conditions:

- (i) 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 Special Court (Vigilance and Anti Corruption Cases), Thirunelveli.
- (ii) the petitioner shall appear before the respondent Police daily at 10.00 am until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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]**.

6.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 condition or not.

sd/-

09/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE SPECIAL JUDGE,
SPECIAL COURT (VIGILANCE AND ANTICORRUPTION CASES),
THIRUNELVELI.
- 2 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTICORRUPTION SPECIAL WING,
TIRUNELVELI DISTRICT.

+1. CC to M/S.B. PRAHALAD RAVI Advocate SR.No.43119

ORDER IN

CRL OP(MD) No.13834 of 2016

Date :09/08/2016