



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

Thursday, the Seventeenth day of August Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10703 of 2017

M.G.KANNAN

... PETITIONER/SOLE ACCUSED

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI.CORRUPTION,
THENI,
CRIME NO.01 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.AMJAD KHAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 167, 418, 420, 465, 466, 468 & 471 of IPC and Sections 7 & 13(2) r/w 13 (i)(d) of Prevention of Corruption Act in Crime No.01 of 2017 on the file of the respondent Police, seeks anticipatory bail.

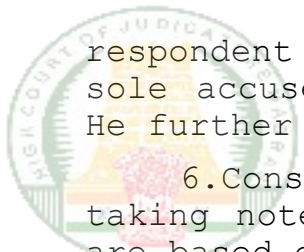
2.The case of the prosecution is that the de facto complainant is having a land to an extent of 16 cents in Survey No.1767/1A and patta also stands in the name of the de facto complainant. However, the patta was transferred to one Vadivel and he died in 1993. When the de facto complainant approached the petitioner for transferring the patta in his name, he demanded a sum of Rs.5 lakhs. However, the said amount has not been paid.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the said land belongs to the de facto complainant, but inadvertently, the Survey No.1767/1A was transferred to the de facto complainant and thereafter, the said error was rectified and re-transferred to the original owner namely one Vadivel. He also submitted that the alleged demand of amount Rs.5,00,000/- is not true and no amount was received by the petitioner herein. He also submitted that FIR was registered against the petitioner on 05.05.2017 and he was suspended on 28.05.2017 and he retired on 31.05.2017.

4.The learned counsel for the petitioner contends that the earlier an error was occurred in respect of effecting mutation in patta and subsequently, the said error was rectified and re-transferred the said patta to the original owner in respect of Survey No.1767/1A.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The learned Additional Public Prosecutor appearing for the



respondent Police on instruction would submit that petitioner is the sole accused in this case, who is the VAO, Bodinayakanur Village. He further submitted that the investigation is still pending.

6. Considering the facts and circumstances of the case and also taking note of the fact that charges against the petitioner herein are based on records and there was no acceptance or trap was made, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court, Theni on condition that 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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)**.

sd/-

17/08/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, THENI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION, THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.ANANTHAPADMANABHAN Advocate SR.No.28866

CSL/RR-BS/SAR-I/22.08.2017 : 2P/6C

ORDER

IN

CRL OP (MD) No.10703 of 2017

Date : 17/08/2017