

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.6695 of 2018

BALAKRISHNAN,

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
NAMAKKAL DISTRICT.
CR.NO.6/AC/2018.

[RESPONDENT]

For Petitioner : MR.B.KUMAR, SENIOR COUNSEL FOR
M/S.S.RAMACHANDRAN Advocate

For Respondent : MR. C.IYYAPPARAJ., ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 17.02.2018 for the offences punishable under Sections 7,13 (1)(d) r/w.13(2) of P.C.Act in Crime No.6/AC/2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the complaint given by G.Chinnathambi is that the petitioner who is working as Tahsildhar to release the lorry of the defacto complainant involved in illegal sand theft had demanded Rs.10,000/- and thereby a trap was laid by the respondent and at the time when the informant had handed over an initial amount of Rs.5,000/- the petitioner was caught red handed .

3.The learned Senior Counsel appearing for the petitioner would submit that he is innocent and he has nothing to do with the alleged offence and he has been falsely implicated in this case. He would further submit that during the arrest the petitioner suffered massive heart attack and he was immediately taken to District Head Quarters hospital, Namakkal and thereafter he was given further treatment in the Central Prison. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that it is case were the petitioner was caught red handed was arrested on the spot and thereafter search had been conducted at the resident of the petitioner and nothing incriminating had been recovered and he would further submit that major part of the investigation is over.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and that the petitioner is suffering from major cardiac arrest and also taking note of the fact that the petitioner has been in custody since 17.02.2018 and that it is not stated that the further custody of the petitioner is required for investigation, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on her 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 Special Judge, Chief Judicial Magistrate, Namakkal, 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 abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
07/03/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

*** AMENDED AS PER ORDER OF THIS COURT DATED 07/03/2018 MADE IN
CRL.MP.3621/2018 IN CRL.OP.6695/2018**

TO

1 THE SPECIAL JUDGE, CHIEF
JUDICIAL MAGISTRATE, NAMAKKAL.

***2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.**

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
NAMAKKAL DISTRICT.

+1 CC to M/S.S.RAMACHANDRAN Advocate on payment of necessary
charges-Sr.4519

CRL OP.6695/2018

Date :07/03/2018

ths : 07.03.2018