

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifth day of October Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.19431 of 2018

R.MATHIVANAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
UTHAGAMANDALAM,
THE NILGIRIS DISTRICT,
[IN CHARGE) COIMBATORE DISTRICT,
CR.NO.2 OF 2018/AC/CB.

For Petitioner : M/S.M.GURUPRASAD Advocate

For Respondent : MR.K.PRABAKAR, 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 alleged offence punishable under Section 7 of the Prevention of Corruption Act of 1988 in Crime No. 02 of 2018/AC/CB dated 01.02.2018 on the file of the respondent police, seeks anticipatory bail.

2. Hearth both sides. सत्यमेव जयते

3. This is the third application for anticipatory bail. The case of the prosecution is that the defacto complainant was qualified for the post of Assistant Professor in Chemistry Department, Bharathiyar University, Coimbatore, but the petitioner and two other persons demanded money to a tune of Rs.30 lakhs, from the defacto complainant for accommodating him in the said post.

4. The learned counsel for the petitioner would submit that the allegation against the petitioner is that he along with the other two accused joined together and demanded money as bribe on behalf of the main accused to confirm job of the defacto complainant as Assistant Professor. He would submit that the arrested accused have been enlarged on bail and he would submit that consequent to the dismissal the petitioner was summoned to appear before the Deputy Superintendent of Police, V & AC, Coimbatore on 26.03.2018 and the respondent did not deemed it fit

to arrest him. He would further submit that subsequently the petitioner was also called for giving his voice sample and the petitioner has also co-operative with the respondent and furnished his voice samples on 04.10.2018. He would also submit that there is no need for any custodial interrogation for grant of anticipatory bail.

5. The learned Additional Public Prosecutor would submit that the petitioner is in due compliance of the earlier order dated 24.09.2018, and appeared before the Forensic Lab at Chennai and also furnished his voice sample.

6. Taking into consideration the facts of the case and the submissions made by the learned counsels on either side the petitioner is also co-operative with the respondent and iam inclined to grant anticipatory bail.

7. 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 leaned Special Judge for PC Act Cases, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 said Special Judge, on further condition that:

[a] if the petitioner fail to surrender before the learned Special Judge within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for one week and thereafter as and when required by the respondent police.

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

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

[e] 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]**.

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

-sd/-
05/10/2018

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.

TO

1 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
UTHAGAMANDALAM,
THE NILGIRIS DISTRICT,
COIMBATORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SPECIAL JUDGE FOR
PC ACT CASES, COIMBATORE.

CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges

CRL OP.19431/2018

Date :05/10/2018

MK:11/10/2018

WEB COPY