

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.14758 of 2018

KAVITHA

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
KRISHNAGIRI,
KRISHNAGIRI DISTRICT.
CR. NO. 3 OF 2018.

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN 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 09.05.2018 for the alleged offences punishable under Sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 in Crime No.3 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant is that the petitioner, who is the Protection Officer in Social Welfare Department, Krishnagiri, conducted enquiry in respect of the complaint given by the *de facto* complainant against her husband and in-laws under the Domestic Violence Act. The further allegation is that the petitioner had demanded illegal gratification for preparing the Domestic Incident Report and refer the case to the Court. On 17.04.2018, a demand of Rs.5,000/- has been made, subsequently, the petitioner had reduced it and agreed to receive an amount of Rs.4,000/- and on 09.05.2018 a trap was laid by the respondent and the petitioner was caught red handed while receiving the bribe money and the phenolphthalein test conducted proved positive.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that the petitioner was employed on consolidated pay and after the registration of the case, she has also been removed from service. Therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner, who was working as Protection Officer in Social Welfare Department, had demanded an amount of Rs.5,000/- for referring the complaint to Court and that she was caught red handed while she was accepting bribe amount on 09.05.2018 and that the phenolphthalein test conducted on her also proved positive. He would further submit that the major part of the investigation is over.

5. Taking into consideration the facts of the case and taking note of the fact that the petitioner has been in custody since 09.05.2018, this Court is 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 Chief Judicial Magistrate, Krishnagiri, 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 petitioners 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/-

07/06/2018

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 CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
VELLORE

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

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO. 10153

CRL OP.14758/2018

Date :07/06/2018

RD 07/06/2018