

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17903 of 2018

1 MURUGESAN
2 SARATHKUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING,
VILLUPURAM DISTRICT.
CR.NO.15 OF 2018.

For Petitioner : M/S.V.SASI REKHA Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.15 of 2018 registered by the respondent police for the offence punishable under Section 13(2) r/w 13(1) (d) of P.C.Act.

2. The case of the prosecution as per the de-facto complainant is that on information, the respondent conducted a raid at the Sub Registrar Office, Chinna Salem and found that the petitioners were in possession of unaccounted amount of Rs.1,30,230/-.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. She would submit that the petitioners are document writers and that the cash they were having belonging to their clients.

4. The learned Additional Public Prosecutor would submit that on specific information that the officials of the Sub Registrar Office, ChinnaSalem were indulging in corrupt activities, the respondent conducted raid in the office and that the petitioners were found in possession of Rs.1,30,230/-. He would submit that an amount of Rs.75,550/- from the first petitioner and Rs.2,350/- from the second petitioner were recovered. He would submit that no arrest was effected at the time of recovery made from them.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that the recovery has been made and that the petitioners were not arrested at that time, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge, Anti-Corruption Cases, Villupuram, on condition that each of 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[c] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/07/2018

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 SPECIAL JUDGE,
ANTI-CORRUPTION CASES, VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING,
VILLUPURAM DISTRICT.

+1CC to M/S.V.SASI REKHA Advocate on payment of necessary
charges SR NO.13034

CRL OP.17903/2018

Date :16/07/2018

MK:23/07/2018