



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1207 of 2018

K. SHANMUGARAJESWARAN,

... PETITIONER/ACCUSED No.2

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
RAMANATHAPURAM DISTRICT
CRIME NO.3 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.RAVI Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 7 and 13 (2) r/w 3(1)(d) of Prevention of Corruption Act, 1988, in Crime No.3 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant,namely, C.Ramamoorthy parked his two wheeler at Virudhunagar Railway Station stand on 03.06.2015, at that time, the said vehicle was missing. Hence, he gave a complaint to the District Collector for recovering the two wheeler. Thereafter, the Inspector of Police, Kenikarai Police Station, namely, A1 contacted the defacto complainant and informed that, two wheeler was secured by him and demanded a sum of Rs.3,000/- as bribe for returning of the vehicle. So, the defacto complainant has lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, his name was not found in the F.I.R and there is no incriminate materials against him and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that there are totally two accused



in this case. The petitioner herein is arrayed as A2. According to him investigation is not completed.

5. The submissions made by the learned counsel on either side are considered. According to prosecution, it is alleged that during the time of occurrence the petitioner herein being the Special Sub Inspector of Police and the Inspector of Police attached with Kenikarai Police Station have demanded the defacto complainant to pay a sum of Rs.2,000/- in order to return the vehicle, which belongs to the defacto complainant. In the complaint given by the defacto complainant, no averment was made against this petitioner. But, the learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the name of the petitioner herein was included as accused in this case as per the statement given by the defacto complainant under Section 161(3) Cr.P.C. So, considering the manner in which the case was registered, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, he 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 learned Special Court for Prevention of Corruption Cases Cum Chief Judicial Magistrate, Ramanathapuram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

i) the petitioner shall report before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled (and 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/-

25/01/2018

/ TRUE COPY /



TO

1 THE SPECIAL COURT FOR
PREVENTION OF CORRUPTION CASES CUM
CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
RAMNADHAPURAM DISTRICT

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.S.RAVI Advocate SR.No.1386

ORDER

IN

CRL OP(MD) No.1207 of 2018

Date :25/01/2018

SMA/CM-VR/SAR-2/31.01.2018:3P/5c