



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

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3955 of 2018

TR.PARAPANATHAN

... PETITIONER / SINGLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
TIRUNELVELI DISTRICT.
(CRIME NO.1 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.N.MOHIDEEN BASHA 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 :-

Reserved on : 14.03.2018
Delivered on : 19.03.2018

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 7 of the Prevention of Corruption Act, 1988 and thereafter, the same was altered into Sections 7 and 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988 and Section 201 IPC, in Crime No.1 of 2018 and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 26.02.2018 when the de-facto complainant had approached the petitioner, who was working as Fireman in the Office of the District Fire and Rescue, Palayamkottai, for obtaining No Objection Certificate to the new School building, he disclosed that SFO and DFO are expecting some money. On 28.02.2018 at 5.30 p.m., the petitioner went to the School and told the de-facto complainant that the SFO and DRO are expecting Rs.10,000/- for issuance of No Objection Certificate. Hence, the present complaint has been registered against the petitioner.



committed any offence as alleged by the prosecution and he has been falsely implicated in this case and prays for anticipatory bail in favour of the petitioner.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the petitioner is still absconding and after his arrest only, the bribe amount has to be recovered from him. Therefore, he strongly opposed to grant anticipatory bail to the petitioner.

5.The submissions made by the learned counsel appearing on either side are considered. Initially, a case has been registered against this petitioner for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988. Subsequently, during the time of investigation, the same was altered into Sections 7 and 13 (1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988 and Section 201 IPC. Admittedly, the petitioner herein was working as a Fireman in the Office of the District Fire and Rescue, Palayamkottai. It is alleged as during the time of occurrence, the petitioner used the name of his Superior Officers and demanded the de-facto complainant for payment of Rs.10,000/- as bribe. Now, the petitioner has filed this Criminal Original Petition for enlarging him on anticipatory bail.

6.On considering the factual aspects of the case, it appears that the offence committed by the petitioner is nothing but heinous one. Moreover, the de-facto complainant in a complaint lodged before the respondent police clearly mentioned that he was under the need of No Objection Certificate for construction of the School building, for which, he approached the petitioner. So, on a conjoint reading of the entire averments made in the FIR, creates a *prima facie* case for the offences mentioned by the prosecuting agency. Hence, custodial interrogation is necessary in order to know the previous antecedents of the petitioner and also in order to eradicate the practice adopted in the Office, in which, the petitioner was working. If anticipatory bail is granted to the petitioner, no doubt, the process of investigation will be prejudiced. Accordingly, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-

19/03/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
VIGILANCE AND ANTI CORRUPTION,
TIRUNELVELI DISTRICT.



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

SMN2

WEB COPY

JAM/22/03/2018/ CSL-RR / SAR 2/ 3P-3C

ORDER

IN

CRL OP (MD) No.3955 of 2018

Date :19/03/2018