



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

Friday, the Nineteenth day of January Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

WEB COPY

CRL OP(MD) No.873 of 2018

S.RATHINAVELU

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
MADURAI.

(IN CRIME NO.2/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.M.ARUMUGAM, Advocate

For Respondent : Government Advocate (Crl. Side)

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

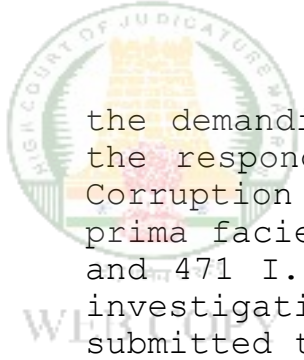
ORDER : The Court Made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 467, 468 and 471 I.P.C., r/w Sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 in Crime No.2 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the petitioner / Deputy Inspector of Survey demanded a sum of Rs.8,000/- from the defacto complainant to make sub-division of his agricultural land and received Rs.6,000/- and demanded the balance amount of Rs.2,000/-. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner was working as Deputy Inspector of Survey and he was permitted to retire on 30.11.2017 subject to the disciplinary proceedings. He further submitted that when the petitioner was in service one Muthumalaisamy gave a complaint on 08.06.2017 stating that the petitioner demanded a sum of Rs.8,000/- as bribe to make sub division of his land and also obtained a sum of Rs.6,000/-. He further submitted that the petitioner has not committed any offence as alleged by the defacto complainant and hence seeks anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that after registering the case, the respondent has taken up the matter for investigation and during investigation 8 witnesses were examined and it was found that there is no concrete evidence with regard to



the demanding and getting of the bribe by the petitioner and hence, the respondent has decided not to proceed under the Prevention of Corruption Act. He further submitted that the investigation reveals prima facie case with regard to the offences under Sections 467, 468 and 471 I.P.C. With regard to the said offences, after completing investigation, the respondent will file a charge sheet. However, he submitted that since the investigation is almost over, the arrest of the petitioner is not required.

5. Considering the aforesaid facts that there is no concrete evidence with regard to the demanding and getting of bribe by the petitioner and also considering the fact that the investigation is almost over and taking into consideration of the submission made by the learned Government Advocate (Crl.Side) that the arrest of the petitioner is not required, I am inclined to grant anticipatory bail to the petitioner, with certain conditions. 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 Special Court for Vigilance and Anti-Corruption cases, Madurai 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 four weeks, thereafter, as and when required for the purpose of 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/-
19/01/2018

/ TRUE COPY /



TO

1. THE SPECIAL JUDGE FOR VIGILANCE AND
ANTI-CORRUPTION CASES, MADURAI.

2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPATION WING, MADURAI.

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

+1. CC to M/S.C.M.ARUMUGAM Advocate SR.No.975

ORDER

IN

CRL OP(MD) No.873 of 2018

Date :19/01/2018

MS/PM-PN/SAR.1/25.01.2018/3P.5C