



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

Friday, the Twenty First day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22617 of 2018

V.SURESHKUMAR

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTI CORRUPTION,
THENI DISTRICT.
IN CRIME NO.4 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.S.MADHAVAN, Advocate for
M/S.MATHURAM LAW ASSOCIATES Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

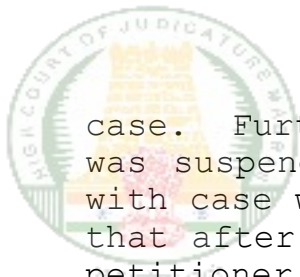
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 27.11.2018 for the offences punishable under Section 7 of Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act - 2018, in Crime No.4 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner being a Village Administrative Officer of Thimmarasanayakkanur Bit - II Village demanded bribe from the defacto complainant Rengaraj for issuing a certificate to the effect that the defacto complainant does not possess any property in his village. On 27.11.2018 at about 3.15 p.m. when the petitioner came to his office, the petitioner directed the defacto complainant to give Rs.10,000/- to the Village Assistant one Chinna Pitchai and the team of Respondent police entered into the office of the petitioner and seized the Phenolphthalein coated currency notes and the case came to be registered.

3.The learned counsel for the petitioner submits that the trap is said to have taken place at 1.00 p.m. on 27.11.2018. The petitioner was not present in the office at that point of time and he reached the office at 3.15 p.m. He is not connected in this



case. Further, he also submits that after the arrest the petitioner was suspended from his service and all the documents in connection with case were already seized by the respondent. He further submits that after the trap the respondent police searched the house of the petitioner and no infirmity materials were seized.

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4.The learned Government Advocate (Crl. Side) submits that the petitioner demanded Rs.30,000/- from indigenous person to issue a certificate to enable the defacto complainant to avail the Government Welfare Schemes. The second accused had received the money on instructions of this petitioner and the trap had been successfully completed. He also submits that the investigation in this case is completed.

5.Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his 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, Theni and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 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 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/12/2018

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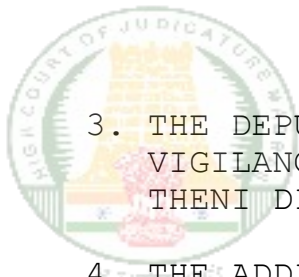
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE CHIEF JUDICIAL MAGISTRATE, THENI.

<https://hcservices.ecourts.gov.in/hcservices/>

2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.



3. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTI CORRUPTION,
THENI DISTRICT.

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

+1. CC to M/S.MATHURAM LAW ASSOCIATES Advocate SR.No.23811

ORDER

IN

CRL OP(MD) No.22617 of 2018

Date :21/12/2018

PS-PN-AC-SAR-4/21.12.2018/3P.6C