



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

Wednesday, the Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22935 of 2018

1.PACHAMMAL
2.MANICKAM

... PETITIONERS / ACCUSED No.1,2

Vs

THE STATE REPRESENTED BY THROUGH ITS
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGINALNCE AND ANTI-CORRUPTION,
RAMANATHAPURAM.
Crime No.3 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.AJMAL KHAN Senior Counsel for
A.UTHAYAKUMAR 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 petitioners, who were arrested by the respondent police on 13.12.2018, for the offences punishable under Section 7(a) of Prevention of Corruption(Amendment Act 2018), in Crime No.3 of 2018, on the file of the respondent police, seek bail.

2. The first petitioner herein is the Block Development Officer,R.S.Mangalam, Ramanathapuram District and the second petitioner herein is the Village Assistant. The case of the prosecution is that the defacto complainant Sankar had approached the first petitioner for getting the building plan approval to his house, for which he had demanded Rs.40,000/- as bribe. Aggrieved by the same the defacto complainant had lodged a complaint before the respondent. Thereafter on 13.12.2018 entrustment proceedings was conducted in the respondent office and thereafter trap was laid. The trap team along with the defacto complainant had reached the scene of occurrence at about 10.00 a.m and the defacto complainant had approached the first petitioner and informed that he is willing to pay the bribe amount. The first petitioner is said to refused to receive the amount and thereafter in connection with the official work he went out from the office. At about 04.00 p.m the defacto complainant had approached the second petitioner handed over the



bribe money to one Raja, who is working a temporary staff in the said office. Thereafter the accused was searched and the money was recovered from the said Raja, Phenolphthalein test proves positive against the said Raja and A2. Based on the confession of A2, A1 has been arrested and thereafter search was conducted in the office and relevant documents were also seized.

3. The learned counsel appearing for the petitioners submits that the first petitioner never demanded money from the defacto complainant. The specific contention of the first petitioner is that he had never instructed second petitioner or any other person to receive money on his behalf. The plan approval was already given to the petitioner on 12.12.2018 and the no reason for the petitioners to demand and receive money. He would submit that the defacto complainant being a politician not comfortable with the petitioners decision and strict adherence regarding his official duty they have been falsely implicated in this case and they have nothing to do with the alleged offence. He further submitted that search was conducted on the residence of the petitioners and no incriminating materials were found in the house of the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have been in jail from 13.12.2018 and they have already been suspended from service and the witnesses sofar examined are all the official witnesses. He would further submit that trap has been successfully completed and phenolphthalein test has turned positive proved against the A2 and the said Raja. He would also submit that investigation is in progress and other witnesses are yet to be examined.

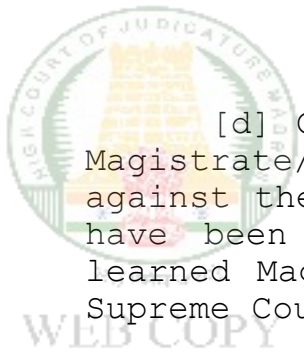
5. Considering the above facts and circumstances of the case and also considering the fact it is case of trap, trap money has been recovered and no incriminating materials are found from the house search of the petitioners and the fact that the petitioners are in judicial custody since 13.12.2018, this Court is inclined to grant bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Ramanathapuram and on further condition that:

[a] the petitioners shall appear before respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

<https://hcservices.courts.gov.in/hcservices/>
[c] the petitioners shall not abscond 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 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].

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

sd/-
02/01/2019

/ TRUE COPY /

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

TO

- 1.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 2.THE DEPUTY SUPERINTENDENT OF POLICE,
VIGINALNCE AND ANTI-CORRUPTION,
RAMANATHAPURAM.
- 3.THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to Mr.A.R.JEYA RUTHRAN Advocate SR.No.15
+1. CC to Mr.A.UTHAYAKUMAR Advocate SR.No.01

ORDER
IN
CRL OP(MD) No.22935 of 2018
Date :02/01/2019

TK/VR/SAR-4/02.01.2019/3P/7C