



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10606 of 2019

Amstrong

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Vigilance and Anti Corruption Wing,
Virudhunagar.
Crime No.6 of 2019.

... Respondent/Complainant

For Petitioner : M/s.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 6 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Sole Accused seeking bail for the alleged offence punishable under Section 7 of Prevention of Corruption Act, in Crime No.6 of 2019.

2.Heard both sides.

3.The case of the prosecution is that the petitioner was working as Village Administrative Officer of Melamathur Village, Sivakasi Taluk and demanded a bribe of Rs.7,000/- for transferring the patta to the name of the defacto complainant's father and hence, the defacto complainant has lodged a complaint before the respondent Police on 21.05.2019 and thereafter the petitioner was arrested red-handed and the amount was recovered from him and phenolphthalein test was also conducted and the test has proved positive.



4.The learned counsel for the petitioner has submitted that the defacto complainant has applied for patta without producing any documents. Hence, the petitioner refused to recommend for granting patta and aggrieved by the same, the defacto complainant has lodged a false complaint against the petitioner. He further submitted that the petitioner is in custody for the past 66 days. He further submitted that by this time the investigation might have been completed and hence, he prayed for grant of bail to the petitioner.

5.Per contra, the learned Additional Public Prosecutor has submitted that the petitioner has demanded a bribe of Rs.7,000/- from the defacto complainant for transferring the patta to the name of the defacto complainant's father and the petitioner was arrested red-handed and phenolphthalein test also conducted and the said test proved positive. He further submitted that already the petitioner is having a similar type of case in Crime No.6 of 2014 on the file of the respondent Police and hence, he strongly opposed this petition.

6.The learned counsel for the petitioner by way of reply has submitted that after registering the previous case, the petitioner was placed under suspension and since the departmental enquiry was not completed within a reasonable time, the petitioner has filed writ petition before this Court and this Court has passed the order to reinstate the petitioner and in pursuance of the said order, the petitioner was reinstated into service and he further submitted that this is a cooked-up case and hence, he prayed for grant of bail to the petitioner.

7.Taking into consideration the fact that the petitioner is in custody for the past 66 days and by this time the investigation might have been completed and also the fact that in the previous case the petitioner is on bail and only in pursuance of the order passed by this Court in the Writ petition, the petitioner was reinstated into service, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] 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, Srivilliputhur.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[e] 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].

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

sd/-
26/07/2019

/ TRUE COPY /

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

TO

- 1.THE CHIEF JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR.
 - 2.THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR.
 - 3.THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.G.THALAIMUTHARASU Advocate SR.No.12376

ORDER
IN
CRL OP(MD) No.10606 of 2019
Date :26/07/2019

vsg
TK/PN/SAR.3/26.07.2019/3P/6C