

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11976 of 2020

Jayasankar

... Petitioner

Vs.

State by
Inspector of Police
Vigilance and Anticorruption Vellore,
Vellore District.
Crime No.5 of 2020

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.5 of 2020 on the file of the Inspector of Police, Vigilance and Anticorruption Vellore, Vellore District, pending investigation.

For Petitioner : Mr.L.Mahendran

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.07.2020 for the offence punishable under Section 7(a) of Prevention of Corruption Act in Crime No.5 of 2020 seeks bail.

2. The case of the prosecution is that the petitioner who is the Junior Engineer in TANGEDCO, Veppankuppam, had demanded Rs.10,000/- from the defacto complainant for giving new electricity connection and thereafter, the demand was reduced to Rs.5,000/-. Based on the complaint given by the defacto complainant, a trap was laid and on 13.07.2020. When the defacto complainant had handed over the bribe amount to the petitioner, the petitioner was caught red handed while receiving the bribe and arrested on the same day. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and due to enmity, a false complaint has been given by the defacto complainant. In fact the tainted money was pushed in the hands of the petitioner and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been in judicial custody from

13.07.2020 and the house search has been completed and the petitioner was not taken into police custody. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner had demanded bribe of Rs.10,000/- from the defacto complainant for giving new electricity connection and later on 07.07.2020, the bribe amount was reduced to Rs.5,000/-. Based on the complaint given by the defato complainant on 11.07.2020, a trap was laid on 13.07.2020 and the petitioner was caught red handed while accepting the bribe amount and arrested on the same day. He would further submit that the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner has been suspended from the department and that the major part of investigation is completed.

6.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration undergone by the petitioner from 13.07.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined;

(b) the petitioner on his release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders.

(c) thereafter within a period of two weeks after lifting of lockdown or commencement of the Court's normal functioning whichever is earlier, shall surrender before the Chief Judicial Magistrate, Vellore, and furnish two sureties for a sum of Rs.10,000/- each failing which the bail granted by this Court shall stand dismissed automatically.

(d) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(e)the petitioner shall not commit any offences of similar nature;

(f)the petitioner shall not abscond either during investigation or trial;

(g)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) On breach of any of the aforesaid conditions, the learned Judicial 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];

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

07/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE
VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION VELLORE,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S. L.MAHENDRAN Advocate on payment of necessary charges

CRL OP.11976/2020

Date :07/08/2020

RVR 14/09/2020