

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 13531 of 2020

Balaji ... Petitioner/1st Accused

Vs.

The State represented by,
The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Krishnagiri.

(Crime No. 4/AC/2020) ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No. 4/AC/2020, on the file of the respondent police.

For Petitioner : Mr.Aruna Elango

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Cr1. 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 12.08.2020 for the offence punishable under Section 7 (a) of Prevention of Corruption Act, 1988 as Amended by the Prevention of Corruption Act 2018, in Crime No. 4/AC/2020, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Krishana Kumar is that the accused have demanded a sum of Rs.5,000/- to change the name and to process the pension application of his mother and the defacto complainant was not interested to pay the bribe and had given complaint before the respondent police based on which, a trap was laid on 12.08.2020 and the petitioner was arrested **red handedly when**, he had received the bribe.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner was arrested on 12.08.2020 and thereafter, a search was conducted both in his office as well as in his residence and thereafter, the petitioner was remanded to the judicial custody on the same day. He would submit that major part of the investigation is over and that the judicial custody of the petitioner may not be required. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is a Superintendent in the Block Educational Office, Kilamangalam, had demanded a sum of Rs.5,000/- from the defacto complainant as bribe for processing the pension application of the defacto complainant's mother. He would submit that the investigation is in the preliminary stage. However, he would submit that search was conducted both in office and residence of the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that the petitioner is in jail from 12.08.2020, 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 executing 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 and thereafter on his release;

(b) the petitioner shall within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever is earlier, execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Krishnagiri, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

(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 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];

(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/-
03/09/2020

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 JUDICIAL MAGISTRATE,
KRISHNAGIRI.

2 THE SUPERINTENDENT,
KRISHNAGIRI SUB JAIL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KRISHNAGIRI.

CC to M/S.ARUNA ELANGO Advocate on payment of necessary charges

CRL OP.13531/2020

Date :03/09/2020

MK:08/09/2020



WEB COPY