

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2020

CORAM :

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

CRL.O.P.No.17083 of 2020

M.THENNARASI

... Petitioner

Vs.

STATE BY:

DEPUTY SUPERINTENDENT OF POLICE
V & AC, Krishnagiri,
(Crime No.7/AC/2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.7/AC/2020 pending investigation on the file of the respondent.

For Petitioner : Mrs.S.Sathia Chandran

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 07.10.2020 for the offence punishable under Section 7 (a) of the Prevention of Corruption Act 1988, in Crime No.7/AC/2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Venkatesan is that he is a Agriculturist and he had applied for electricity connection for his farm. The accused who was working as Junior Engineer in TANGEDCO, Kelamangalam, Krishnagiri District, had demanded a sum of Rs.40,000/- from the defacto complainant for providing the electricity connection. Since, the defacto complainant did not want to give bribe, had lodged a complaint before the respondent pursuant to which, a trap was laid and that on 07.10.2020 between 8.23 a.m. to 9.25 a.m., the petitioner was caught red handed while receiving the bribe of Rs.10,000/- from the defacto complainant. Further, the phenolphthalein test on the petitioner also proved positive.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case due to departmental rivalry. He would submit that the petitioner was arrested on 07.10.2020 and the initial remand period has also been over and thereby, the custodial interrogation of the petitioner may not be required. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (CrI.Side) appearing for the respondent would vehemently oppose stating that the petitioner is working as a Junior Engineer Grade-I in the office of the TANGEDCO, Kelamangalam (West), Krishnagiri District. When the defacto complainant had applied for electricity connection, the petitioner has demanded a sum of Rs.40,000/- as bribe. Therefore, the defacto complainant lodged a complaint before the respondent following which, a trap was laid on 07.10.2020 and the petitioner was caught red handed while receiving initial sum of Rs.10,000/-. He would further submit that the investigation is pending and that the phenolphthalein test on the petitioner has also proved positive.

5.Heard the learned counsels on either side.

6.Taking into consideration of the facts and circumstance of this case and the submissions made by the learned Counsels and also considering the period of incarceration suffered by the petitioner from 07.10.2020, 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 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, Special Court, Krishnagiri, and on further conditions that:

(b) 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;

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

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

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

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

(g) 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];

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

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

-sd/-
29/10/2020

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
SPECIAL COURT, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
V & AC, KRISHNAGIRI DISTRICT

CC to M/S. S.SATHIA CHANDRAN Advocate on payment of
necessary charges

CRL OP.17083/2020

Date :29/10/2020

MK:02/11/2020