

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2020

CORAM :

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

CRL.O.P.No.17238 of 2020

Vikraman @ Vikram

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Vigilance and Anti Corruption Wing,
Tiruvannamalai,
(Crime No.7 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.7 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Krishnamoorthy

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.10.2020 for the offences punishable under Section 7(a) of Prevention of Corruption Act 1988 as amended by PC (Amendment) Act 2018, in Crime No.7 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Sivakumar, reporter Kaval Voice is that he had approached the petitioner on behalf of his house owner Pattabiraman for transfer of Tax Assessment, at that time, the petitioner had demanded a sum of Rs.5,000/- as bribe and thereafter the demand was reduced to Rs.3,500/-. The defacto complainant, who does want to give bribe, gave a complaint to the respondent police, based on which, a trap was laid, pursuant to which, on 06.10.2020 the petitioner was caught red-handed while receiving the bribe amount. Phenolphthalein test also proved positive.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the defacto complainant claims to be a reporter and he is in the habit of

extracting money from the Government servants. Since the petitioner was not ready to heed to him, he has been falsely fixed in this case. He would further submit that the petitioner was arrested on 06.10.2020 and he is in custody for more than one month. He would further submit that apart from the trap money, no other incriminating materials have been recovered from the petitioner. He would further submit that there may not be any need for further judicial custody of the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner who is a bill collector had demanded Rs.5,000/- from the defacto complainant for transferring Tax Assessment of his house owner and the demand was reduced to Rs.3,500/-. A case was registered based on the complaint given by the defacto complainant and a trap was also laid and the petitioner was caught red-handed while receiving the bribe amount. He would further submit that investigation is pending and the house search has not been conducted yet.

5.Heard the learned Counsel on either side. Perused the F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioner, 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 Court, Thiruvannamalai**, 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 on his release from prison shall report before the 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/-

03/11/2020

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
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING
TIRUVANNAMALAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. M.KRISHNAMOORTHY Advocate on payment of
necessary charges SR.NO.7215

CRL OP.17238/2020

Date :03/11/2020

TA-04/11/2020