

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17621 of 2020

Karthikeyan

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Vigilance and Anti-Corruption,
Vellore, Vellore District
(Crime No.8 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.8 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

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 20.10.2020 for the offences punishable under Section 7(a) of Prevention of Corruption Act, 1988, in Crime No.8 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de facto complainant is that the petitioner/accused demanded a sum of Rs.7,000/- from the defacto complainant as bribe for providing electricity connection to him under "Tatkal Scheme". Therefore, the defacto complainant has given a complaint to the respondent and based on that complaint, a trap was organized by the respondent on 19.10.2020 and that on 20.10.2020, while the petitioner received the bribe amount, he was caught red handed and he was arrested and remanded to judicial custody on 20.10.2020. Hence, this complaint.

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 petitioner is working as an Assistant Executive Engineer in Karnamput Electricity Board, Vellore District and that due to rivalry in the Department, a false complaint has been given. He would submit that the house search was also made and nothing incriminating has been recovered from the house of the petitioner and the initial period of remanding has been over and there may not be necessity for further custody of the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose the grant of bail stating that the petitioner is working as Assistant Executive Engineer in Karnamput Electricity Board, Vellore District and he demanded a sum of Rs.7,000/- from the defacto complainant for providing electricity connection under the "Tatkal Scheme". He would further submit that based on the complaint given by the defacto complainant, a trap was organized by the respondent on 19.10.2020 and that on 20.10.2020, when the petitioner received the bribe amount, he was caught red handed. He would submit that a Phenolphthalein test turned positive and no house search was taken and the investigation is still pending.

5. Taking into consideration the facts and submissions made by the learned counsels and also 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, Vellore, 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 daily 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.

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

-sd/-

10/11/2020

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
VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

4 THE SUPERINTENDENT,
VELLORE CENTRAL PRISON,
THORAPADI

CC to M/S.M.R.THANGAVEL Advocate on payment of necessary
charges Sr.7468

CRL OP.17621/2020

Date :10/11/2020

RVR 11/11/2020

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