



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 11/02/2020

PRESENT

**The Hon`ble Mr.Justice G.R.SWAMINATHAN**

CRL OP(MD). No.2351 of 2020

Kumar

... Petitioner/Accused No.2

Vs

The State rep.by  
The Inspector of Police,  
Vigilance and Anti Corruption,  
Theni, Theni District.  
Crime No.1 of 2020

... Respondent/Complainant

For Petitioner : M/s.R.M.Anbu Nithi,  
Advocate.

For Respondent : Mr.A.Robinson,  
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

for Bail in Crime No.1 of 2020 on the file of the respondent police

**ORDER :** The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 23.01.2020 for the offence under Sections 7, 7A of Prevention of Corruption Act, 1988 in Crime No. 1 of 2020 on the file of the respondent police. He seeks bail.

3. The petitioner is working as a village assistant on temporary basis. The first accused is said to have made the demand for payment of illegal gratification. But the fact remains that the petitioner was caught red handed.

4.I am of the view that the continued incarceration of the petitioner is not going to advance the cause of investigation. His release will not prejudice the investigation.



5. Therefore, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall 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 Special Judge for Prevention of Corruption Cases cum Chief Judicial Magistrate, Theni.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned 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].

sd/-  
11/02/2020

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/ /2020

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1.THE SPECIAL JUDGE FOR PREVENTION OF CORRUPTION CASES CUM  
CHIEF JUDICIAL MAGISTRATE, THENI.

2.THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI CORRUPTION,  
THENI, THENI DISTRICT.

3.THE OFFICER INCHARGE  
SUB JAIL, AUNDIPATTI, THENI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.SATHEESH KUMAR, Advocate ( SR-2911[I] dated  
12/02/2020 )

ORDER  
IN  
CRL OP(MD) No.2351 of 2020  
Date :11/02/2020

pnn  
TK/VR/SAR.1/12.02.2020/2P/6C