



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2020

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.3286 of 2020

S.Kumutha

... Petitioner/sole Accused

Vs

State represented by
The Inspector of Police,
Vigilance and Anti Corruption Wing,
Nagercoil, Kanyakumari District,
Cr.No.2 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.Anto Prince,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

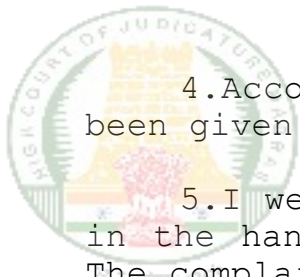
PRAYER :- For Bail in Crime No. 2 of 2020 on the file of the Respondent Police.

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 seeks anticipatory bail as she apprehends arrest at the hands of the respondent in Crime No.2 of 2020 registered on the file of the respondent for the offence under Section 7 of the Prevention of Corruption Act.

3.The learned counsel appearing for the petitioner states that the petitioner is working as a Child Protection Officer in Kanyakumari District and that, when she was in duty on 14.02.2020 at around 01.00 pm., there was a raid by the respondent and a sum of Rs.1,35,000/- was recovered from her. The petitioner's counsel would contend that possession per se of certain sum of money will not constitute an offence under law. He states that her husband is running a ladies hostel at Tirunelveli and that, he had handed over the said amount to her for the purpose of handing over to person from whom, he had availed a loan.



4. According to the petitioner's counsel, proper explanation has been given for counting the money found in her possession.

5. I went through the contents of the FIR. That amount was found in the hand bag of the petitioner does not appear to be in doubt. The complaint reads that when the raid took place, an application of St. Vincent De Paul Home for Children, dated 14.02.2020 was found on her table. It was further noted that a sum of Rs.1,35,000/- was found in two brown covers, one containing Rs.50,000/- and other containing Rs.85,000/-. Four days later, the prosecution was able to obtain written complaints from two organisations namely St. Vincent De Paul Home for Children and Deepthi Children's Home alleging that the petitioner had demanded and accepted Rs.50,000/- for effecting CTS certificate and Rs.85,000/- for giving go ahead for clearing the receipt of the stipend amount.

6. In view of the subsequent complaints received from the persons, who had given the said amount of Rs.1,35,000/-, I am of the view that there is a prima facie material against the petitioners herein. Her custodial interrogation is absolute necessary. It is not a fit case for granting anticipatory bail. Hence, this criminal original petition stands dismissed.

sd/-
27.02.2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Inspector of Police,
Vigilance and Anti Corruption Wing,
Nagercoil, Kanyakumari District,
Cr.No.2 of 2020.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.3286 of 2020
27.02.2020