



WEB COPY

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

Date : 09/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6860 of 2020

Subramaniam

... Petitioner/Sole Accused

Vs

The State rep by
The Inspector of Police,
Vigilance and Anti Corruption,
Dindigul, Dindigul District.
(Crime No.02/2020).

... Respondent/Complainant

For Petitioner : M/s. S.Sarvagan Prabhu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.02/2020 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 a sole accused. He was arrested and remanded to Judicial Custody on 08.06.2020 for the offences punishable under Section 7 of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption Act(Amendment)2018 in Crime No.02 of 2020 on the file of the respondent police. He seeks bail.



3.The case of the prosecution is that the petitioner was working as a District Educational Officer, at Dindigul and the defacto complainant is working as a Teacher in Government Aided School, Dindigul. The petitioner herein demanded a sum of Rs.5,000 as a bribe for sanctioning arrear salary of the petitioner. A trap was arranged and the petitioner herein caught red-handed and remanded to custody on 08.06.2020.

4.The learned counsel for the petitioner would submit that the petitioner has not received the said amount as bribe and that he is suffering from various health ailments. Hence, the learned counsel prayed for grant of bail to the petitioner.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner was working as a Distirct Education Officer and he demanded a sum of Rs.5,000/- as a bribe for sanctioning the arrear salary of the defacto complainant. He would further submit that a trap was arranged and petitioner caught red-handed.

6.Taking note of the above facts and circumstances of the case and also taking note of the fact that the age and health condition of the petitioner, I am inclined to enlarge the petitioner on bail with certain conditions.

i)Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Cheif Judicial Magistrate, Dindigul.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioner shall report before the respondent police on every Monday at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/07/2020

WEB COPY

/ TRUE COPY /

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
2. THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
3. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
DINDIGUL, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6860 of 2020
Date :09/07/2020

GNS
AE/PN/SAR-III (09.07.2020) 3P 5C