



WEB COPY

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

Date : 17/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8232 of 2020

Revathy ... Petitioner/Single Accused

Vs

State rep.vy
The Inspector of Police,
Vigilance and Anti Corruption,
Karur District.
Crime No.4/2020.

... Respondent/Complainant

For Petitioner : Mr.S.Ravi,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner is arrayed as sole accused in Crime No.4 of 2020, on the file of the respondent police for the offence punishable under Sections 7(a) of Prevention of Corruption Act 1988 as amended by the Prevention of Corruption (Amendment) Act 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working as a Revenue Assistant in Karur. For levying lesser property tax to the defacto complainant, the petitioner said to have demanded a sum of Rs.40,000/- from the de-facto complainant. Hence, she has given a complaint before the respondent police and thereafter, a Trap was arranged, but knowing the same, the petitioner escaped from the scene. Hence, the case was registered for the above said offence.



3.The learned counsel appearing for the petitioner would submit that the petitioner is only working as a Revenue Assistant and he has no role in levying property tax. However, the de-facto complainant had constructed a building without getting building plan approval from the concerned local body. Hence, the petitioner along with Municipality Official inspected the place and had taken further action. Due to the above said motive, a false complaint has been given and no money was recovered from the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner was working as a Revenue Assistant, she has demanded money as illegal gratification from the de-facto complainant for levying lesser property tax and thereafter, a Trap was arranged, knowing the same, the petitioner escaped from the scene. Hence, the case was registered.

5.On perusal of the First Information Report, it is seen that a Trap said to have been arranged by the respondent police, however, no money was recovered from her, taking note of the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate, Karur-cum-Special Judge for trial of cases under Prevention of Corruption Act, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police once in a week i.e., on every Monday at 10.30. a.m until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]***; and;

(f) if the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/08/2020

/ 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
KARUR -CUM-SPECIAL JUDGE FOR TRIAL OF CASES
UNDER PREVENTION OF CORRUPTION ACT.
2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KARUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8232 of 2020
Date :17/08/2020

SJI
AE/AKM/SAR-II (19.08.2020) 3P 4C