



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8502 of 2020

M.P.Priyadharshini

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Vigilance and Anti Corruption,
Madurai,
Madurai District.
(Crime No. 04 of 2020).

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu,
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. 04 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is the sole Accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 7 of Prevention Corruption Act, 1988, in Crime No.4 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.07.2020 the petitioner, who was working as Firka Surveyor at Peraiyur Taluk Office, Madurai District, has demanded bribe for a sum of Rs.8,000/- from the defacto complainant for transfer of patta. Based on the complaint given by the defacto complainant, the crime has been registered and a trap was arranged. However, nothing has been recovered from the petitioner. Hence, the crime has been registered.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner has taken an application filed by the defacto complainant to survey his land and the petitioner surveyed the land and the report also filed before the Thasildar. Thereafter, the defacto complainant approached the petitioner and asked him to change the report, for which, the petitioner refused to do that. Due to that motive, the petitioner has been falsely implicated in this case. He further submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner being a Firka Surveyor, demanded bribe for measuring land. Hence, the crime has been registered and trap has also been arranged. However, the petitioner came to know about the same and escaped, hence, nothing has been recovered.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that a trap was arranged by the respondent Police and nothing has been recovered from the petitioner. Considering the above circumstance, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

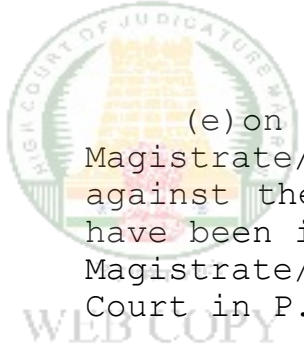
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 as and when required for interrogation.

(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 accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/08/2020

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-6019[I] dated 20/08/2020)

ORDER
IN
CRL OP(MD) No.8502 of 2020
Date :18/08/2020