



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

Date : 02/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8997 of 2020

Eswaran ... Petitioner/Sole Accused

Vs

The State rep.by
The Deputy Superintendent Of Police,
Vigilance and Anti-Corruption,
Ramanathapuram District.
Crime No.03/2020

... Respondent/Complainant

For Petitioner : M/s.Subash Babu,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 03 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 04.08.2020 for the alleged offences under Sections 7(a) of Prevention of Corruption(Amendment) Act, 2018

2. The petitioner is working as as Junior Revenue Inspector. The case of the prosecution is that the defacto complainant in this case approached the petitioner herein to obtain certificate for disbursement of funeral fund for which the petitioner herein demanded Rs.2000/- as bribe. Hence the defacto complainant has given complaint against the petitioner, the same was registered and the trap was conducted and the phenolphthalein test also proved positive and the accused was got red handed.

3. The learned counsel for the petitioner would submit that due to previous enmity a false case has been foisted against the petitioner , infact he did not receive any amount as bribe and he did not demand any amount as bribe as alleged by the prosecution. He would also submit that the petitioner is in jail for nearly one month, hence he may be granted bail.

<https://hcservices.ecourts.gov.in/hcservices/>



4. The learned Additional Public Prosecutor would submit that the petitioner herein received Rs.2000/- from the defacto complainant as bribe for the purpose of issuing certificate and trap was conducted and he was got red handed and the said amount was recovered from the petitioner. Phenolphthalein test also proved positive against the petitioner.

5. It is a case under Prevention of corruption act. The petitioner said to have demanded bribe and the amount was recovered from the petitioner. The petitioner is in jail for nearly one month and the investigation is almost completed. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 Chief Judicial Magistrate /Special Judge (FAC) Ramanathapuram.

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 once in a week on every Monday at 10.30 am., 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/-
02/09/2020

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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/SPECIAL JUDGE (FAC) ,
RAMANATHAPURAM.

2.THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
RAMANATHAPURAM DISTRICT.

3.THE OFFICER INCHARGE,
SUB JAIL, RAMANATHAPURAM.

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

+1 CC to M/s.SUBASH BABU, Advocate (SR-6214[I] dated 02/09/2020)

ORDER
IN
CRL OP(MD) No.8997 of 2020
Date :02/09/2020

AAV
TK/PN/SAR.2/02.09.2020/3P/6C