



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

Date : 05/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.10360 of 2020

Suriya Narayanan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Vigilance and Anti Corruption Wing,
Virudhunagar.
Crime No.02 of 2020

... Respondent/Complainant

For Petitioner : M/s.B.Thanga Aravindh,
Advocate.

For Respondent : Mr.R.Erottusamy,
Government Advocate (Crl.Side)

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

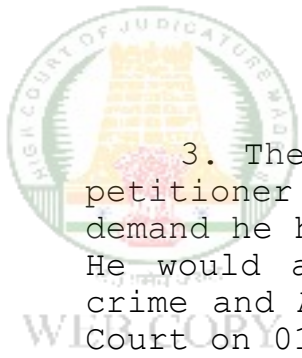
PRAYER :-

For Bail in Crime No. 02 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 11.09.2020 for the alleged offences under Sections 7 of Prevention of Corruption Act.

2. The petitioner and A1 are working as a Assistant and Surveyor in the Aruppukottai Municipality. The case of the prosecution is that A1 in this case said to have demanded a sum of Rs.12000/- as bribe from the defacto complainant for the purpose of surveying the land. Accordingly on 11.09.2020 the defacto complainant had handed over the said amount to the petitioner herein as demanded by A1, for which a case 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 the petitioner was only working as Assistant to A1 and only on his demand he had received the said amount from the defacto complainant. He would also submit that he has nothing to do with the alleged crime and A1 in this case was arrested and released on bail by this Court on 01.10.2020 in Crl.O.P(MD) No.10229 of 2020.

4. The learned Government Advocate(Crl.Side) would submit that only on the instruction of A1, A2 said to have received the bribe money and trap was conducted and he was got red handed and the said amount was recovered from this petitioner, Phenolphthalein test also proved positive against this petitioner. He would also submit that A1 in this case was arrested and released on bail by this Court on 01.10.2020 in Crl.O.P(MD) No.10229 of 2020

5. It is a case under Prevention of corruption act. The petitioner is in jail for nearly 24 days 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 and also the fact that A1 in this case was granted bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate cum Special Court for Vigilance and Anti Corruption, Srivilliputhur, Virudhunagar District

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 daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

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/-
05/10/2020

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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 CUM
SPECIAL COURT FOR VIGILANCE AND ANTI CORRUPTION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2.THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR.
- 3.THE OFFICER INCHARGE,
DISTRICT JAIL/SUB JAIL, VIRUDHUNAGAR.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10360 of 2020
Date :05/10/2020

AAV
TK/PN/SAR.3/05.10.2020/3P/5C