



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 07/12/2020

PRESENT

WEB COPY

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

CRL OP(MD) . No.13298 of 2020

Ponkaruppasamy

... Petitioner/Sole Accused

Vs

State rep.by  
The Inspector of Police,  
Vigilance and Anti-Corruption,  
Tuticorin District.  
in Crime No.3/2020

... Respondent/Complainant

For Petitioner : M/s.C.Susi Kumar,  
Advocate.

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

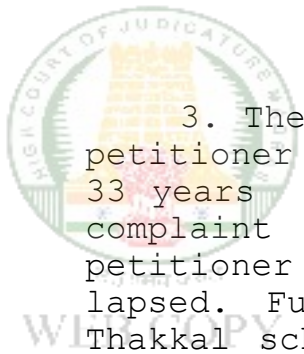
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For a Bail in Crime No.3 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 31.10.2020 for the alleged offences under Sections 7(a) of Prevention of Corruption (Amendment) Act, 2018.

2.The case of the prosecution is that the defacto complainant's brother-in-law was working in Hyderabad and his property was situated at Sathankulam Village. Earlier in the year 2004 his brother-in-law's father applied for free electricity connection for the purpose of doing agriculture in RSFS Scheme. Since time lapsed the application was rejected and thereafter the defacto complainant's brother approached the petitioner herein for electricity connection, wherein the petitioner said to have informed to deposit Rs.2,75,000/- through demand draft for getting connection under Thakal scheme and also demanded Rs.10,000/- as bribe. Since the defacto complainant has no interest to give bribe to the petitioner he has given complaint before the respondent police on 31.10.2020 and based on the complaint the present case has been 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 an Executive Engineer for the past 33 years without any black mark during his tenure. In fact in the complaint itself the defacto complainant admitted that the petitioner refused to give free electricity connection, since time lapsed. Further he directed to apply for electricity under the Thakkal scheme by depositing Rs.2,75,000/-through demand draft and therefore there is no need to demand bribe from the defacto complainant. He would also submit that due to previous enmity a false case has been registered against the petitioner and he is in jail for more than 30 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein demanded Rs.10,000/- for giving electricity connection 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 the petitioner was removed from service.

5. It is a case under Prevention of corruption act. The petitioner is in jail for more than 30 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 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, Tuticorin

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 and 5.30 pm., 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/-

07/12/2020

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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 CHIEF JUDICIAL MAGISTRATE CUM  
SPECIAL JUDGE, TUTICORIN.
2. THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI-CORRUPTION,  
TUTICORIN DISTRICT.
3. THE OFFICER INCHARGE,  
PERURANI DISTRICT JAIL, TUTICORIN.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP(MD) No.13298 of 2020

Date : 07/12/2020

MS/PN/SAR-3/07.12.2020/3P.5C