



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/12/2020

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PRESENT

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

CRL OP(MD) .No.14355 of 2020

K.Mythili

...Petitioner/Accused No.3

Vs

State through
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Tirunelveli.
Crime No.3 of 2020

... Respondent/Complainant

For Petitioner : Mr.C.Sundaravadivel,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.3 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 34, 167, 109 IPC and Sections 13(2) r/w 7, 13(1) (d)(i)(ii)(iii) Prevention of Corruption Act, 1988, in Crime No.3 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was selected for the post of Extension Officer Grade II and Junior Executive Officer Post in Tirunelveli Milk Producers Co-operative Union. Four persons, including the petitioner herein were appointed by the Committee to conduct interview for the above said post. As per the guidelines, the candidates should produce resolution Cum experience certificate issued by the concerned society. Accordingly, the defacto complainant produced the resolution certificate on 05.10.2017 a day prior to the oral test after resolution certificate passed on 04.10.2017. Even then, he was not



selected for the reason that he did not produce the resolution cum experience certificate. Further alleged that all the accused persons colluded together and demanded bribe of Rs.5,00,000/- for appointing him. Hence, the case has been registered.

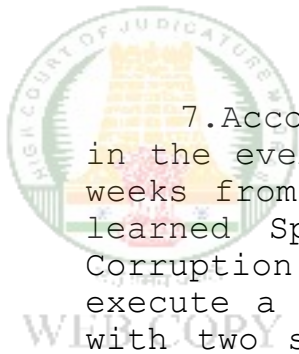
3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that there are totally four accused, in which the petitioner is arrayed as A3. He is also one of the Committee Member for the selection of Extension Officer and Junior Executive Officer Post in the Tirunelveli Milk Producers Co-operative Union. They have conducted interview for four persons, in which three persons were selected but the defacto complainant not selected for the reasons that he failed to produce the resolution cum experience certificate. Then, the defecato complainant has foisted a false case against the petitioner as if the Committee Members demanded a bribe of Rs.5,00,000/- for the appointment. In fact, the petitioner was nominated as the Board Member and Nodal officer for Tirunelveli Union by the Managing Director TCMF Ltd. According to the guidelines, the candidates should submit the experience certificate for having rendered service in MPCS for a period of not less than 15 years. The defacto complainant failed to produce the experience certificate before the Certificate Assessment Committee Members, which is mandatory during the time of interview. Having failed to produce the said certificate, the defacto complainant foisted a false complaint as against the petitioner and others and as such he prayed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that (case of the prosecution)

6. It is seen that there are totally four accused, in which, the petitioner is arrayed as A3. According to the defacto complainant, he produced the resolution cum experience certificate as required for the post of Extension Officer even as early as on 05.10.2017. Even then, the petitioner has refused to appoint the defacto complainant to the post of Extension Officer. Admittedly, the interview was held on 06.10.2017. According to the guidelines the candidates should submit the resolution cum experience certificate on the date of interview. Admittedly, the petitioner has failed to produce the experience certificate before the interview committee, hence, he was not selected. Now, the defacto complainant has come forward with this compliant alleging that the petitioner along with other Committee Members demanded a bribe for a sum of Rs.5,00,000/-.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Special Judge, Trial of Cases under the Prevention of Corruption Act, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m. for a period of Two Weeks and thereafter 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/12/2020

/ 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 SPECIAL JUDGE,
TRAIL OF CASES UNDER THE PREVENTION OF CORRUPTION ACT,
TIRUNELVELI.

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

+1 CC to M/s.C.SUNDARAVADIVEL, Advocate (SR-8231[I] dated
16/12/2020)

ORDER

IN

CRL OP(MD) No.14355 of 2020

Date :15/12/2020

vsd

AE/SMA/SAR-II (23.12.2020) 4P / 4C