

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3158 of 2021

S.Anandkumar @ Anand

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal,
(Crime No.8 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.8 of 2020 on the file of respondent police.

For Petitioner : Mr.K.Suresh

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is the sole accused. The petitioner, who was arrested and remanded to judicial custody on 28.12.2020 for the offence punishable under Section 7 (a) of Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018 in Crime No.8 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner is working as Revenue Assistant/Bill Collector in Tiruchengode Municipality. He said to have demanded a sum of Rs.5000/- from the defacto complainant for the property tax assessment. Based on the complaint given by the defacto complainant, a trap was arranged on 26.04.2020, and the petitioner caught red handed while he was receiving a sum of Rs.3500/- from the defacto complainant and on the same day, he was arrested. Hence, a criminal case was registered against the petitioner. Accordingly, he was arrested and remanded to judicial custody on 28.12.2020.

3. The learned counsel appearing for petitioner would submit that the petitioner has been falsely implicated in the present case and he has not received any amount as bribe. He would submit that he has only refused to receive the amount, but, due to some enmity, the defacto complainant has deliberately implicated the petitioner and he is in custody from 28.12.2020. Hence, he prayed to grant bail to the

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is working as a Revenue Assistant in Tiruchengode Municipality and he has demanded bribe from the defacto complainant. She would submit that while receiving the amount, he has caught red handed. She would submit that the investigation is almost over and the petitioner is not having any bad antecedents. However, she opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, the investigation is also completed, and also considering the period of incarceration suffered by the petitioner from 28.12.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Chief Judicial Magistrate, Namakkal and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

18/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INS
PECTOR OF POLICE, VIGILANCE AND ANTI
CORRUPTION, NAMAKKAL

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

+2 CC to M/S.K.SURESH Advocate on payment of necessary charges
Sr.1854

CRL OP.3158/2021

Date :18/02/2021

RVR 19/02/2021

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