

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3418 of 2021

P. Paneer

... Petitioner

Vs.

State rep by its
Deputy Superintendent of Police,
V & AC.,
Erode.
Cr.No.3/AC/ 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3/AC/2021 on the file of the respondent police.

For Petitioner : Mr. C. Vasudevan

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 03.02.2021 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.3/AC/2021, seeks bail.

2. The case of the prosecution is that the petitioner, who was working as a Revenue Inspector, Sathyamangalam Taluk and other accused, said to have demanded a sum of Rs.10,000/- from the de-facto complainant for transfer of patta. Based on his complaint, a trap was conducted and the petitioner was got red-handed. Hence the complaint came to be registered, and the petitioner was arrested on 03.02.2021.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has not received any amount as bribe. The Thasildar has only demanded bribe from the defacto complainant, and only, as per his instruction, this petitioner has received the said sum from the defacto complainant on behalf of him. This petitioner neither demanded any bribe or received any amount from the defacto complainant. He would further submit that A1, who is the main accused, in this case has already been released on bail. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was working as Revenue Inspector and he received a sum of Rs.10,000/- as bribe from the de-facto complainant and got red-handed. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the fact that co-accused in this case was already released on bail and taking note of the period of incarceration suffered by the petitioner, 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, Special Judge, Erode, 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 shall appear 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/-

03/03/2021

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
SPECIAL JUDGE, ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 DEPUTY SUPERINTENDENT OF POLICE,
V AND AC, ERODE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to C.VASUDEVAN Advocate on payment of necessary charges
Sr.2715

CRL OP.3418/2021

Date :03/03/2021

RVR 03/03/2021

WEB COPY