

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3746 of 2021

G.Velmurugan

... Petitioner

Vs.

State by

The Inspector of Police,
V & A C, Erode,
Erode Dt.

(Crime No.3/AC/2021/ER)

... 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/ER of 2021 on the file of respondent police.

For Petitioner : Mr.N.Manoharan

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

O R D E R

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A3. The petitioner, who was arrested and remanded to judicial custody on 03.02.2021 for the offence punishable under Sections 7(a) of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018, in Crime No.3/AC/2021/ER of 2021, seeks bail.

2. The case of the prosecution is that the petitioner is working as a Tahsildar and the defacto complainant has approached the petitioner for transferring patta, for which he said to have demanded a sum of Rs.10,000/- and he has directed A3 Revenue Inspector working under him to receive the money from the defacto complainant and hand over to him. Based on the complaint given by defacto complainant, a trap was arranged and when A3 has received the money, he was caught red-handed and he was arrested. On his confession, the petitioner

was arrested and remanded to judicial custody on 03.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is working as Tahsildar, and he has signed the order on 24.01.2021. He would submit that since he is on leave, the order was not communicated to the defacto complainant, thereafter, the occurrence was taken place on 03.02.2021, wherein admittedly, one Revenue Inspector, A3 has received the money and there is no allegation of demanding money and receipt of bribe by the petitioner. He would submit that he was suspended from service and the departmental proceedings also initiated. He would submit that he is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that he has been falsely implicated in the present case. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a main man, he has the authority to transfer the patta and demand was made. She would submit that on his behalf, A3 has received the money and he was caught red-handed and on his confession, the petitioner was arrested. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that in the trap, A3 only said to have received the money from the defacto complainant and only on the confession of A3, the petitioner was arrested, investigation is also over, and also considering the period of incarceration suffered by the petitioner from 03.02.2021, 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 Principal Sub-Judge/Chief Judicial Magistrate/Special Judge (FAC), 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, on his release from prison, shall report before the respondent police daily at 10.30 a.m. for the period of two weeks;

(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/-

25/02/2021

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 PRINCIPAL SUB-JUDGE/सत्यमेव जयते
CHIEF JUDICIAL MAGISTRATE/
SPECIAL JUDGE (FAC), ERODE.

2 THE OFFICER INCHARGE
SUB-JAIL, ERODE.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

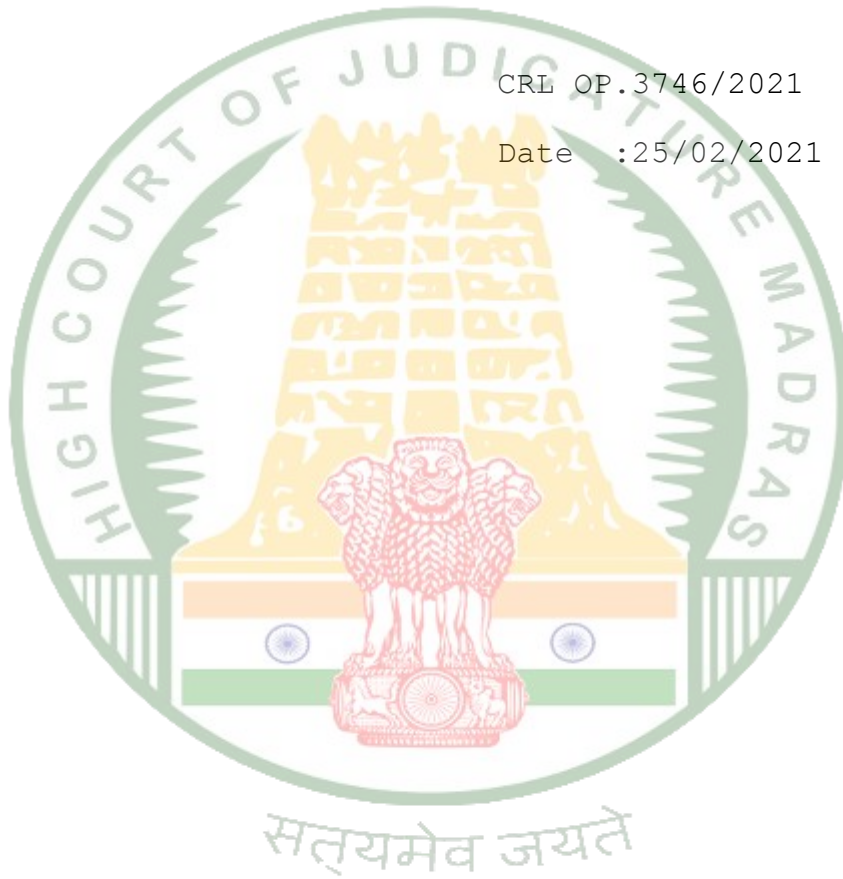
5 THE INSPECTOR OF POLICE,
V AND AC, ERODE.
ERODE DISTRICT.

+1 CC to M/S. N.MANOCHARAN Advocate on payment of necessary charges
SR.No.2340

CRL OP.3746/2021

Date :25/02/2021

cs 26/02/2021



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