IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5003 of 2021

P.Selvaraja ... Petitioner

Vs.

State rep. By ... Respondent
The Inspector of Police,
Vigilance and Anti Corruption,
Coimbatore.
(Crime No.8 of 2021)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.8 of 2021 on the file of Respondent police.

For Petitioner : Mr.AR.L.Sundaresan.
Sr. Advocate for
Mrs.AL. Gandhimathi

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

ORDER

(The case has been heard through video conference)

Totally, there are two accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 20.02.2021 for the offence punishable under Sections 7(1) read with Section 12 of the Prevention of Corruption Act, 1988 in Crime No.8 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was working as a Deputy Registrar of Co-operative Society. The defacto complainant, who was working as a Secretary of the Co-operative Society has lodged a complaint, alleging that he said to have committed some irregularities, hence, the petitioner said to have initiated an enquiry under Sec.80(1) of Tamil Nadu Cooperative Societies Act. When the defacto complainant approached the petitioner to relieve him from the said allegations, the petitioner said to have demanded a sum of Rs.1,25,000/- for dropping the proceedings, and the Sub-Registrar of Co-operative Societies, who was arrayed as A2 was instructed by the petitioner to receive the

amount on behalf of the petitioner. Thereafter, A2 said to have demanded money from the defacto complainant, and the defacto complainant has given the complaint before the respondent. A trap was arranged and A2 was caught re-handed by the respondent police and he was was arrested and remanded to judicial custody. Subsequently, on his confession, the petitioner was arrested and remanded to judicial custody on 20.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned senior counsel appearing for petitioner would submit that the bribe money was recovered only from A2, and the petitioner has not demanded any amount, and he never instructed A2, to receive any amount on his behalf. He has been falsely implicated in this case. As the petitioner initiated an enquiry against the defacto complainant, he has foisted a false case against the petitioner. He would submit that he is an innocent person, and he is not involved in the offence as alleged in the complaint. He would submit that he is in jail from 20.02.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that the petitioner was working as Deputy Registrar of Cooperative Society. She would submit that the demand was only made by him and subsequently, on his behalf, A2 has received the amount. Now, the investigation is almost completed. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned senior counsel appearing for petitioner as well as learned Addl. Public Prosecutor appearing for respondent.

6. On perusal of records, it could be seen that the bribe amount was recovered from A2, not from the petitioner. The allegation is, only on his behalf, A2 has received the amount, it is to be investigated. Now, it is stated that the petitioner was also suspended from service. Taking into consideration of the facts and circumstances, and considering the period of incarceration suffered by the petitioner for nearly one month, 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 Special Judge, Special Court for Trial of Prevention of Corruption Act, Coimbatore** 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, after his release from prison, shall report before the respondent 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.

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

-sd/-
11/03/2021

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 SPECIAL JUDGE,
SPECIAL COURT FOR TRIAL OF
PREVENTION OF CORRUPTION ACT, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE.

4 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

+1 CC to M/S.AL.GANTHIMATHI Advocate on payment of necessary charges SR.NO.3196

CRL OP.5003/2021

Date :11/03/2021

TA=11/03/2021