

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5228 of 2021

G.VENKATESAN

[PETITIONER / ACCUSED]

Vs

THE STATE BY
DEPUTY SUPERINTENDENT OF POLICE,
V & AC, ERODE.
CRIME NO.3/AC/2021.

[RESPONDENT]

For Petitioner : M/S. I.C.VASUDEVAN Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 7(A) of Prevention of Corruption Act, 1988 in Crime No.3/AC/2021, on the file of the respondent/Police, seeks anticipatory bail.

2. Totally there are 3 accused in this case and the petitioner herein is A2. The allegation is that A1 in this case is a Special Thasildhar and A3 is a Revenue Inspector. The defacto complainant approached A3 for patta transfer and produced all the documents relating to transfer the patta. Subsequently, the petitioner who is acting as a broker called the defacto complainant and informed him that, A1 is demanding Rs.20,000/- for patta transfer and asked him to meet A1. Thereafter, the petitioner met A1 where he demanded Rs.20,000/- and after various talks A1 reduced the amount to Rs.10,000/-. Thereafter he had filed a complaint before the respondent and the crime was registered.

3.The learned counsel for the petitioner would submit that as per the instructions of A1 only the petitioner has demanded the defacto complainant to pay the amount and he is no way connected with the alleged offence. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed the anticipatory bail application stating that the petitioner acted as a broker for A1 and A3 and assisted them in collecting bribe amount.

5. I have considered the rival submissions.

6. Considering the facts and circumstances of the case and the fact that the petitioner only said to have called the defacto complainant as per the instructions of A1, apart from that there is no serious allegations against the petitioner and the co-accused A1 and A3 have been arrested and released on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Chief Judicial Magistrate / Special Judge at Erode, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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].

[f] 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/-
16/03/2021

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 CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
V & AC, ERODE.

+1CC to M/S. I.C.VASUDEVAN Advocate on payment of necessary charges SR NO.3457

CRL OP.5228/2021

Date :16/03/2021

MK:25/03/2021

WEB COPY