

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5205 of 2021

K.Elangovan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Vigilance and Anti-corruption,
Nagapattinam.
(Crime No.05 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.05 of 2021 on the file of the respondent Police.

For Petitioner : Mr.N.Palanivel

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

ORDER

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 27.02.2021 for the offence punishable under Sections 7 of Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018, in Crime No.05 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner was working as a temporary Bill Clerk in Tamil Nadu Civil Supplies Corporation. For procuring paddy from the defacto complainant, he has demanded a sum of Rs.7000/-. Hence, a complaint has been registered and a trap was arranged, the petitioner was caught red handed. Accordingly, the petitioner was arrested and remanded to judicial custody on 27.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that the petitioner is only a temporary employee of Tamil Nadu Civil Supplies Corporation, his duty is to weight the paddy and there is no occasion for him to demand bribe and the petitioner has not

received any amount towards bribe. He would submit that he is an innocent person and he has been falsely implicated in this case. Now, he is in jail for more than one month. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that the petitioner has received a sum of Rs.7000/- from the defacto complainant and on a trap, he was caught red handed. She would submit that now the investigation is almost completed. Hence, she opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, as the investigation is almost completed, and also considering the period of incarceration suffered by the petitioner from 27.02.2021, 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 Assistant Sessions Judge/Chief Judicial Magistrate(FAC), Nagapattinam**, 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 police 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/-
24/03/2021

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 ASSISTANT SESSIONS JUDGE/
CHIEF JUDICIAL MAGISTRATE (FAC),
NAGAPATTINAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
NAGAPATTINAM.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.

+1 CC to M/S. N.PALANIVEL Advocate on payment of necessary charges SR.NO.3982

सत्यमेव जयते

CRL OP.5205/2021

Date :24/03/2021

WEB COPY

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