

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.5935 of 2021

1. T.Poosaidurai
2. M.K.Selvam

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
Vigilance and Anti corruption Wing,
Cuddalore District.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioners on bail in Crime No.3 of 2021 Vigilance and Anti corruption Wing, Cuddalore District.

For Petitioners : M/s.Veera Associates

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners who were arrested on 10.03.2021 and remanded to judicial custody for the offences under Sections 7 and 12 of Prevention of Corruption Act, 1988 and Prevention of Corruption Amendments Act, 2018 in Cr.No.3 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the defacto complainant approached the Registrar Office to register a mortgage deed, the first and second petitioners who are in the cadre of Sub-Registrar and Assistant respectively demanded bribe of Rs.10,000/- from the defacto complainant. Hence, the law enforcing agency registered a case against the petitioners.

3. The learned counsel for the petitioners submits that the petitioners instructed the defacto complainant to mention the correct street name in the mortgage deed. Due to which a false case has been lodged against the petitioners and the petitioners have been in judicial custody from 10.03.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioners demanded bribe of Rs.10,000/- from the defacto complainant for registering a mortgage deed. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate (FAC) Special Judge, Cuddalore and on further condition that:

(a) the sureties shall affix their 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
16/04/2021

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
(FAC) SPECIAL JUDGE, CUDDALORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION WING,
CUDDALORE DISTRICT.

CC to M/S VEERA ASSOCIATES Advocate on payment of necessary charges

CRL OP.5935/2021

Date :16/04/2021

cs 17/04/2021

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