

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.O.P.No.9360 of 2021

Sundrarajan

.. Petitioner

Versus

The State of Tamilnadu
rep. by Inspector of Police
Vigilance and Anti Corruption
Salem District (Cr. No.7/AC/2021) .. Respondent

Prayer:-Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in Cr. No.7/AC/2021 on the file of the respondent police.

For Petitioner : Mr.M. Devaraj

For Respondent : Mr.E.Rajthilak
Counsel for Government (Crl side)

ORDER

The petitioner, who was arrested and remanded to Judicial Custody on 26.04.2021 for the offence punishable under Section 7 (a) of the Prevention of Corruption Amendment Act 2018 in Cr. No.7/AC/2021 on the file of the Vigilance and Anti Corruption, Salem District, has filed the present bail application.

2. The case of the prosecution is that the petitioner has demanded and accepted illegal gratification of Rs.7,000/- for fixing temporary electricity connection to the defacto complainant's farm house and based on the complaint the petitioner was trapped and arrested and remanded to judicial custody on 26.04.2021.

3. Mr. M. Devaraj, the learned counsel for the petitioner contended that the petitioner is innocent and that he has not committed any offence.

4. The learned counsel appearing for the Government (Crl.Side), contended that the investigation is still pending and opposed the bail petition.

5. Considering the period of incarceration and also considering the present pandemic situation, this Court is inclined to grant bail to the petitioner and accordingly, the petitioner is ordered to be released on bail subject to the following conditions:-

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Salem, in which the petitioner is confined and thereafter, on his release,

(b) the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for like sum to the satisfaction of the learned Special Judge, (Special Court for Trial of cases under Prevention of Corruption Act), Salem, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;;

(C) 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.

(d) the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

(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 Special Judge, (Special Court for Trial of cases under Prevention of Corruption Act), Salem, 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 Special Judge, (Special Court for Trial of cases under Prevention of Corruption Act), Salem, 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.

-sd/-
19/05/2021

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 CASES UNDER
PREVENTION OF CORRUPTION ACT),
SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
SALEM DISTRICT.

+1CC to M/S.M.DEVARAJ Advocate on payment of necessary
charges SR.NO.6250

CRL OP.9360/2021

Date :19/05/2021

MK:21/05/2021

WEB COPY