

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No.9546 of 2021

S.Sekar

... Petitioner

Vs.

The State of Tamilnadu,
rep. By Deputy Superintendent of Police,
Vigilance and Anti-Corruption
Namakkal District.
(Cr. No.3/Ac/2021).

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.3/Ac/2021 on the file of the respondent police.

For Petitioner : Mr. M.Devaraj

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.04.2021 for the offences under Sections 7 (b), Prevention of Corruption Amendment Act 2018 in Cr.No.3/Ac/2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is A2 who is a Junior Rehabilitation Officer along with other accused demanded half share of the subsidy amount the Government granted to the defacto complainant's School. Hence the complaint.

3. The learned counsel for the petitioner submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 28.04.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner is a Junior Rehabilitation Officer who along with the other accused had demanded half share of the subsidy out of the amount the Government granted to the defacto complainant's School.

5. Considering the nature of offence and the evidence borne out of records, the officials in the Government Department concerned, including the District Collector has the power to conduct departmental enquiry against the petitioner. This Court is inclined to grant bail to the petitioner 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 on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Chief Judicial Magistrate, (Special Court for Trial of Cases under Prevention of Corruption Act) Namakkal. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Chief Judicial Magistrate, (Special Court for Trial of Cases under Prevention of Corruption Act) Namakkal.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. He/she shall not interfere, influence or cause hindrance to the pending investigation.

(d) He/she shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-

26/05/2021

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 CHIEF JUDICIAL MAGISTRATE
(SPECIAL COURT FOR TRIAL OF CASES UNDER
PREVENTION OF CORRUPTION ACT) NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
NAMAKKAL DISTRICT.

CC to M/S.M.DEVARAJ Advocate on payment of necessary charges

CRL OP.9546/2021

Date :26/05/2021

cs 28/05/2021