



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.OP.Nos.15937 and 16041 of 2021

1.S.Hindhumathi ... Petitioner in Crl.O.P.No.15937 of 2021
2.S.Sudhan ... Petitioner in Crl.O.P.No.16041 of 2021

Vs.

State rep by
The Inspector of Police,
Vigilance and Anti-Corruption,
Kancheepuram, Kancheepuram District.
Villupuram District.
(Crime No.08/AC/2021KPM)

... Respondent

COMMON PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No. 08/AC/2021KPM pending investigation on the file of respondent.

(In both petitions

For Petitioner : Mr.G. Punniakoti

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners who were arrested on 19.08.2021 and remanded to judicial custody for the offences under Sections 7 and 12 of PC Act as Amended Act 2018, in Crime No. 08/AC/2021KPM on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner/A1 in Crl.O.P.No.15937 of 2021 was working as a Sub Inspector of Survey in the Land and Records Department and he demanded illegal gratification of a sum of Rs.10,000/- from the defacto complainant for change of patta and the petitioner/A2 in Crl.O.P.No.16041 of 2021 assisted A1 to commit the said crime. Thereafter a trap was arranged and A1 received the bribe amount from the complainant. Hence the law enforcing registered a case against the petitioners.



3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 19.08.2021. However, on instructions, the learned counsel further submitted that the petitioners, without prejudice to his rights, on his own volition, is ready and willing to contribute a sum of Rs.50,000/- for the purpose of improving and maintaining the Government Schools. Therefore, he prays to grant bail to the petitioners. Therefore, he prays to grant bail to the petitioners.

4. he learned Government Advocate (Crl.Side) appearing for the respondent submits that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioners , this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Special Judge/Chief Judicial Magistrate, Kancheepuram at Chengalpattu and on further condition that:

(a) each of the petitioner shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty five Thousand only) to the credit of the Chief Educational Officer, Kancheepuram District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner; (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 daily at 10:30 a.m before the concerned court till the filing of the charge sheet and thereafter as an when required for interrogation.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

07/09/2021

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/CHIEF
JUDICIALMAGISTRATE KANCHEEPURAM
AT CHENGALPATTU

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
KANCHEEPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL WOMEN PRISON,
PUZHAL, CHENNAI



5 THE OFFICER INCHARGE,
DISTRICT PRISON,
CHENGALPATTU

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+2 CC to M/S G.PUNNIAKOTI Advocate on payment of necessary
charges Sr.Nos.9666 & 9667

CRL OP.Nos.15937 and 16041 of 2021

Date :07/09/2021

RVR 08/09/2021