



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.18233 of 2021

M.Balamurugan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Vigilance and Anti-corruption,
Nagapattinam District.
(Crime No.09 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.09 of 2021 on the file of Inspector of Police, Vigilance and Anti-corruption, Nagapattinam District.

For Petitioner : Mr.Swamisubramanian

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.09.2021 for the offence under Section 7 of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018 in Crime No.09 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is the Special Tahsildar and he is alleged to have demanded and accepted a sum of Rs.2,000/- for sanctioning pension under the Physically Disabled Person Pension Scheme for the defacto complainant's wife.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.50,000/- to the Chief Educational Officer, Nagapattinam District for improvement of Govt. Shcool.



4. Heard the submissions made by the learned Government Advocate (Criminal Side).

5. Considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), 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, Nagapattinam, Nagapattinam District and on further condition that:

(a) The petitioner shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of the Chief Educational Officer, Nagapattinam District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/ acknowledgment shall accept the sureties furnished by the petitioner;

(b) 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;

(c) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with 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 petitioners 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.



7. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done 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/-

07/10/2021

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
NAGAPATTINAM, NAGAPATTINAM DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE CHIEF EDUCATIONAL OFFICER,
NAGAPATTINAM DISTRICT.

+1 CC to M/S SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.NO.11213

CRL OP.18233/2021

Date :07/10/2021

RW 08/10/2021