



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19736 of 2021

A.DHANALAKSHMI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
JOINT COMMISSIONER,
DISTRICT VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY -1.
CRIME.NO.08 OF 2021.

[RESPONDENT]

For Petitioner : M/S. P.SUBBA REDDY Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 7 and 13(2) R/w. 13(1)(d) of the Prevention of Corruption act, 1988 in Cr.No.08 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, formerly worked as Additional Public Prosecutor in the lower court and she was alleged to have demanded bribe of Rs.50,000/- to conduct prosecution for the case of the defacto complainant and initially a sum of Rs.10,000/- was given by the defacto complainant and thereafter, the petitioner threatened the defacto complainant to pay the whole amount. Thereby, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. In fact, the allegation was made against the petitioner in the year 2017 and the complaint was filed in the year 2021. He further submits that the Bar Association President made a complaint as if the petitioner did not co-operate for conducting the case and the very same issue is



pending before this Court in W.P.No.30225 of 2019 and thereafter the present case was registered. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submits that the petitioner was alleged to have demanded bribe of Rs.50,000/- and further submits that the investigation is pending. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the fact that the allegation was made against the petitioner in the year 2017 however, the case was filed in the year 2021 and considering that the issue is pending before this Court in W.P.No.30225 of 2019, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate, Thiruvallur, on condition that the petitioner shall execute a 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall appear before the respondent police daily as and when required for interrogation;

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

(d)the petitioner 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 anticipatory 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.

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-sd/-
25/10/2021

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,
THIRUVALLUR.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE JOINT COMMISSIONER,
DISTRICT VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY -1.

+2CC to M/S. P.SUBBA REDDY Advocate on payment of necessary charges SR.NO.11704

CRL OP.19736/2021

Date :25/10/2021

INBA-02/11/2021