

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20989 of 2020

Dhanraj

... Petitioner

Vs.

State by
The Inspector of Police,
Anti-Corruption Vigilance Cell,
Thiruvarur District.
(Crime No.7 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.7 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.V.Gopinath
Senior Counsel
for Mr.P.Raghu

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.12.2020 for the alleged offence under Sections 7 of PC Act in Crime No.7 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant is that the petitioner was working as District Environmental Engineer in Tamil Nadu Pollution Control Board and he demanded bribe of Rs.40,000/- from the de facto complainant for renewing licence of Rice Mill. Based on the complaint given by the de facto complainant, a trap was laid and on 10.12.2020, when the de facto complainant had handed over the bribe amount to the petitioner, the petitioner was caught red handed while receiving the bribe and he was arrested on the same day. Subsequently, a search was conducted in the house of the petitioner at Urapakkam and recovered a sum of Rs.56,66,000/- and Rs.2,66,500/- demonetized amount was also recovered. Hence, the

3. The learned Senior counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the investigation has been completed and that all the witnesses are official witnesses and hence, there is no possibility of tampering the witnesses. He would submit that after the seizure of amount of Rs. 56,66,000/- no case has been registered against the petitioner and hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner, who was working as Divisional Engineer, demanded and received a bribe from the de facto complainant to the tune of Rs.40,000/- and caught red handed and subsequently, huge amount has been recovered from the house of the petitioner. She would submit that most of the witnesses have been examined and the voice analyse report is awaiting.

5. I have considered the rival submissions and perused the records.

6. Taking into consideration the facts and circumstances of the case and the fact that the investigation has almost completed and most of the witnesses were examined, now at this stage, no custodial interrogation is required and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Chief Judicial Magistrate, Tiruvarur and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police every day at 10.30.a.m until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(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 Judicial 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
18/01/2021

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
TIRUVALLUR.

2 THE JAILER,
DISTRICT PRISON, NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANTI-CORRUPTION VIGILANCE CELL,
THIRUVARUR DISTRICT.

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

CRL OP.20989/2020

Date :18/01/2021

cs 19/01/2021