

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20951 of 2020

K.Balakrishnan

... Petitioner

Vs.

The State rep. By Inspector of Police,
Vigilance and Anti-corruption,
Head Quarters, Chennai.
(Crime No.14 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.14 of 2019 pending before the respondent police.

For Petitioners : Mr.S.N.Subramani

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 13(2) r/w.13(1)(d) of the Prevention of Corruption Act, 1988 in Crime No.14 of 2019, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A2 in this case. The petitioner is a police constable. Based on the complaint lodged by the defacto complainant, a trap was arranged in which A1-Inspector of Police has been arrested and sent to judicial custody. Subsequently, the investigation reveals that the petitioner demanded a bribe. Hence, the complaint.

3.The learned counsel for the petitioner would submit that admittedly complaint was lodged by A1-Inspector of Police and trap was arranged and bribe money was recovered only from her. Subsequently, the respondent police obtained statement from the accused and therefore, the petitioner is implicated as accused in this case.

4.The learned Additional Public Prosecutor on instructions would submit that the petitioner/A2 has involved in demanding bribe and subsequently the investigation reveals that he along with A1 demanded bribe and A1 received bribe on behalf of the petitioner. As against the same, the petitioner was suspended from service.

5.Originally the complaint was lodged against A1 and thereafter, A1 was arrested and released on bail. Based on the subsequent investigation, the petitioner has been implicated in this case. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Chief Judicial Magistrate, Chengalpattu, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 petitioner shall report before the respondent Police daily at 10.30 a.m for a period of four weeks and thereafter as and 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
07/01/2021

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
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
HEAD QUARTERS, CHENNAI.

+1 CC to M/S. S.N.SUBRAMANI Advocate on payment of necessary charges SR.No.256

CRL OP.20951/2020

Date :07/01/2021

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