

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20933 of 2020

Revathy

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Vigilance and Anti Corruption,
Vellore,
Vellore District.
(Crime No.21 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.21 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr. E. Kannadasan

For Respondent : Mr.M. Prabavathy,
APP

ORDER

(The case has been heard through video conference)

The petitioner is the sole accused. He was arrested and remanded to judicial custody on 16.12.2020 for the offence punishable under Section 7(a) of Prevention of Corruption Act 1998 and (Amended) Act 2018, in Crime No.21 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who was working as a Village Administrative Officer, said to have demanded a sum of Rs.2500/- from the de-facto complainant for transfer of patta and based on his complaint, trap was conducted and the petitioner got red-handed and she was arrested on 16.12.2020. Hence the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is a widow and due to previous enmity, the petitioner has been falsely implicated in this case and she has not received any amount as bribe and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was appointed as Village Administrative Officer on compassionate ground and she received a sum of Rs.2,500/- as bribe from the de-facto complainant and she got red-handed. Hence, she was arrested on 16.12.2020 and she is in jail only for 15 days. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the fact that the petitioner is a widow and taking note of the period of incarceration, 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, Vellore, 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 shall appear before the respondent police on every Monday 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.

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

-sd/-
06/01/2021

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
VELLORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.20933/2020

Date :06/01/2021

cs 07/01/2021

WEB COPY