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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23505 of 2021

Mahendra Mall

... Petitioner

Vs.

State rep by
The Inspector of Police
Vigilance and Anti-Corruption Unit
Vellore.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.19 of 2021 pending on the file of the Vigilance and Anti-Corruption Police, Vellore and order release of the petitioner from Central Prison, Vellore.

For Petitioner : Mr.Gautam S.Raman

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 09.11.2021 for the offence under Section 7(a) of the Prevention of Corruption Act 1988 as Amended by the Prevention of Corruption (Amendment) Act 2018, in Crime No.19 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner who is the Assistant General Manager of "Aavin" demanded a sum of Rs.5,000/- from the defacto complainant who runs a manpower agency, as bribe to clear some of his pending bills and accepted the same. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has been working in Aavin for the past 35 years without any black mark and he has been falsely implicated in this case by the defacto complainant with ill motive. He would further submit that the petitioner has been suffering incarceration for about a month days from 09.11.2020. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner was earlier arrested in Crime No.526 of 2021 for offence under Arms Act and subsequently he was released on bail by the Chief Judicial Magistrate, Vellore but admits that the petitioner is under suspension and that the investigation is almost completed.

5. Since, there is a disciplinary proceedings against the petitioner, this Court is of the opinion that there would not be a chance of absconding. Further, the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Vellore, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. until further orders.

(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 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/-
07/12/2021

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 JUDICIAL MAGISTRATE-I,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. C.SEETHAPATHY Advocate on payment of necessary
charges SR.NO.14156

CRL OP.23505/2021

Date :07/12/2021

CSK 07/12/2021