



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2021

CORAM:

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

Crl.O.P.No.24507of 2021

M.Ramji

... Petitioner

Vs.

The State Represented by
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Erode Detachment.
Crime No: 10/AC/2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.10/AC/2021 Vigilance and Anti-Corruption, Erode Detachment.

For Petitioner : Mr.K.Bratheesh

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 13.11.2021 for the offence under Section 7(a) of Prevention of Corruption Act 1988 as Amended by the Prevention of Corruption Act (Amendment), 2018 in Crime No.10/AC/2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner is a Revenue Inspector and Village Administrative Officer. On the demand and directions of A1, he had accepted a sum of Rs.20,000/- as bribe from the de facto complainant for issuance of Genuinty Report for the de facto complainant's father's land situated at Kudakarai Village, Nambiyur Taluk, Erode and handed over the money to A3 who is a private person. Hence, the complaint. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the above said offence and he has been suffering incarceration for more than 30 days from 13.11.2021. He would further submit that the petitioner is ready and willing to pay a sum of Rs.25,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner/A2 was caught red handed during a trap but admits that the investigation is almost completed.

5. Considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only), to the credit of the Registered Advocate Clerks Association, Erode District, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6. It is made clear that the deposit of the amount by the petitioner to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstance of the case and considering the fact that the petitioner has already been suspended from service and considering the period of incarceration undergone by him and that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Chief Judicial Magistrate cum Special Judge, Erode District, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) through demand draft to the Registered Advocate Clerks Association, Erode District, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) 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;



(c) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-
15/12/2021

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 CHIEF JUDICIAL MAGISTRATE
CUM SPECIAL JUDGE, ERODE DISTRICT.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
ERODE DETACHMENT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, ERODE DISTRICT.

+1 CC to M/S.K.BRATHEESH Advocate on payment of necessary charges
SR.NO.14780

CRL OP.24507/2021

Date :15/12/2021

RW 15/12/2021