



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

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

Crl.O.P.No.24693 of 2021

A.SELVARAJ

... Petitioner

Vs.

The State, Rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
City Special Unit-III,
Chennai- 600016.
(Crime No. 7 of 2021/AC/CC-II)

... 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.7 of 2021/AC/CC-II on the file of the Inspector of Police, Vigilance and Anti-Corruption, City Special Unit-III, Chennai- 600016.

For Petitioner : Mr.S.Nagarajan

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 17.11.2021 for the offences under Section 7(b) of the Prevention of Corruption Act, 1988, amended by the prevention of Corruption (Amended) Act, 2018, in Crime No.7 of 2021/AC/CC-II , on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is working as a Junior Assistant/A1 Clerk in the Town Panchayath Office and when the de facto complainant approached the Executive Officer to get final approval of the layout plan, the 1st accused had demanded Rs.35,000/- to sign in the layout file as bribe and as per his direction, the petitioner/A2 accepted the bribe from the defacto complainant and he was caught red handed during the trap proceedings while he was receiving the bribe amount. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for about 25 days from 17.11.2021. Further, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.20,000/- 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 strong objection stating that the petitioner/A2 was caught red handed by during the trap proceedings while he was receiving the bribe amount from the de facto complainant 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.20,000/- (Rupees Twenty Thousand Only), to the credit of the Registered Advocates Clerks Association, Chengalpattu, 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. Since the petitioner is a Government Servant, this Court is of the opinion that there would not be any possibility of the petitioner getting abscond. 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.

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 Metropolitan Magistrate, Chengalpattu, and on further condition that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) through demand draft to the Registered Advocates Clerks Association, Chengalpattu, 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;

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(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/-
21/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF METROPOLITAN MAGISTRATE,
CHENGALPET.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI - CORRUPTION,
CITY SPECIAL UNIT - III,
CHENNAI - 600016.



3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE,
CLERK ASSOCIATION, CHENGALPET.

+1 CC to M/S.S.NAGARAJAN Advocate on payment of necessary charges
SR.NO.15276

CRL OP.24693/2021

Date :21/12/2021

JPA 22/12/2021