



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.119 of 2021

D.Boominathan

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Vigilance and Anti Corruption,
Theni, Theni District.
Crime No.7 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Meenakshi Sundaram, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

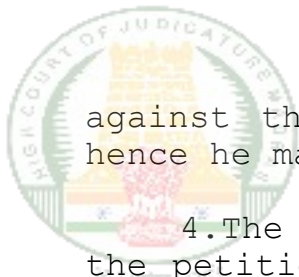
For Bail in Crime No.7 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 15.12.2020 for the alleged offences under Section 7 of Prevention of Corruption Act, 1988 as amended by the P.C.(Amendment) Act, 2018, in Crime No.7 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that in this case the petitioner said to have demanded a sum of Rs.2,700/- as bribe from the defacto complainant for the purpose of providing Electricity Service connection. Accordingly on 15.12.2020 the defacto complainant had handed over the said amount to the petitioner herein, for which a case was registered and the trap was conducted and the phenolphthalein test also proved positive and the accused was got red handed.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that due to previous enmity, a false case has been registered



against the petitioner and he is in jail for more than 20 days, hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner herein demanded Rs.2,700/- for providing electricity connection and trap was conducted and he was caught red handed and the said amount was recovered from this petitioner, Phenolphthalein test also proved positive against this petitioner. He would also submit that the petitioner was suspended from service.

5.It is a case under Prevention of corruption act. The petitioner is in jail for nearly 21 days and the investigation is almost completed. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following 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 Special Judge for Prevention of Corruption Cases cum Chief Judicial Magistrate, Theni;

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 am.,for a period of three weeks and thereafter as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/01/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

- 1.THE SPECIAL JUDGE FOR PREVENTION OF CORRUPTION
CASES CUM CHIEF JUDICIAL MAGISTRATE, THENI.
- 2.THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
THENI, THENI DISTRICT.
- 3.THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.119 of 2021
Date :07/01/2021

VSG
TK/VR/SAR.4/07.01.2021/3P/5C