



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 21/01/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD). No.757 of 2021

Sivaramalingam

... Petitioner/Sole Accused

Vs

The State rep.by  
The Inspector of Police,  
Vigilance and Anti Corruption Wing,  
Virudhunagar.  
Crime No.09 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,  
Advocate.

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

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

PRAYER :-

For Bail Crime No.09 of 2020 on the file of the Respondent Police

**ORDER :** The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 29.12.2020 for the offences punishable under Sections 7 of Prevention of Corruption(Amendment) Act, 2018 on the file of the respondent police seeks bail.

2.The defacto complainant had lodged a complaint before the respondent police stating that the petitioner/accused herein who is a Village Administrative Officer of W. Pudupatti had demanded a bribe of Rs.6000/- for changing patta. Initial demand was made on 19.12.2020 and the defacto complainant expressed his inability to pay the said bribe. Thereafter the demand was reduced to Rs.4000/-, since the defacto complainant not willing to pay the bribe has lodged a complaint. On the complaint lodged by the defacto complainant trap was conducted and the accused was caught red handed. Phenolphthalein test also proved positive.



3.The learned counsel for the petitioner would submit that the petitioner is a Village Administrative Officer and the petitioner herein has filed an application seeking adangal patta in favour of his mother and himself which stands in his father. He would further submit that the petitioner had send the application to the superiors two days prior to the occurrence and on the date of trap no file was pending with the petitioner and there is no necessity for the petitioner to demand money from the defacto complainant. He further submitted that the petitioner is not a competent person to issue patta, hence he seeks bail.

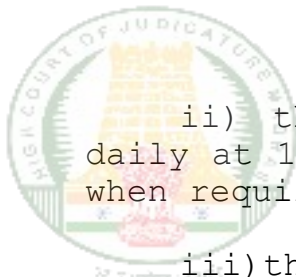
4. The learned Government Advocate(Crl.Side) would submit that the petitioner caught red handed for receiving bribe amount from the defacto complainant. Phenolphthalein test also proved positive. Thereafter the petitioner was arrested and money was recovered from him in the presence of official witnesses. He would further submit that the petitioner had already completed enquiry and send the papers to the Tahsildhar. He would further submit that the *modus operandi* of the Tahsildhar and the revenue officials is that they direct the applicants to approach the concerned Village Administrative Officer and the extra amount to be paid to the Village Administrative Officer, till such time the Tahsilshar and the higher officials will keep no papers with them to get away from the vigilance probe. No doubt some of the Village Administrative Officers are demanding bribe on their own, hence he strongly opposed to grant bail to the petitioner.

5. This Court concur with the submission of the learned Government Advocate (Crl.Side). The investigation in these cases are to be probed in this angle. This Court on several occasions had come across, low level officers are being made scapegoat, despite they act at the behest of the superiors. The Investigating Officer to conduct investigation in this regard, so that corruption is curtailed to some extent.

6. 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:

7.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, Virudhunagar District at Srivilliputhur.

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 a.m for a period of two 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/-  
21/01/2021

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/ /2021  
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.

TO

1. THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
2. THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI CORRUPTION WING,  
VIRUDHUNAGAR.
3. THE OFFICER INCHARGE, SUB JAIL,  
THIRUPATHUR, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.757 of 2021  
Date : 21/01/2021

AAV  
TK/VR/SAR.3/21.01.2021/3P/5C

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