



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

Date : 02/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1139 of 2021

A.Muthukrishnan

... Petitioner/Sole Accused

Vs

The State rep.by
The Deputy Superintendent Of Police,
Vigilance and Anti-Corruption,
Dindigul.
Ref.Crime No.01/2021

... Respondent/Complainant

For Petitioner : Mr.D.Shanmugarajasethupathi,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.01/2021 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 07.01.2021 for the offences punishable under Sections 7 of Prevention of Corruption Act, 1988 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner was working as Assistant Director, Town and Country Planning Office,Dindigul . The defacto complainant had developed layout in the name of Selvam for A,B and C blocks. He had approached the petitioner herein since 'B' block was more than 1lakh sq.ft the same has to be sent to the Director, Town and Country Planning, Chennai for approaval and the 'C' has to be approved by the petitioner herein,for which he had demanded Rs.1 lakh each as bribe. The petitioner also visited 'C' block on 02.12.2020 and thereafter on 04.01.2021 the defacto complainant approached the petitioner and



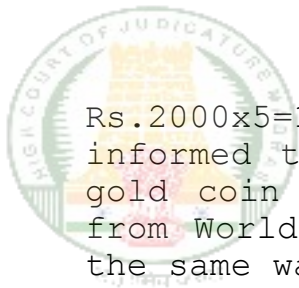
expressed his inability to pay Rs.2 lakhs and thereafter the demand was reduced and finally the petitioner herein had demanded the defacto complainant to pay a sum of Rs.1 lakh in total. On 06.01.2021 at about 08.15pm., the petitioner herein had contacted the defacto complainant and informed him that on the next day on 07.01.2020 the money to be paid. Since the defacto complainant not willing to pay the amount he had lodged complaint to the respondent herein who had registered the case on 07.01.2021 at about 08.00 a.m., Thereafter following the procedures entrustment mahazhar was prepared and the defacto complainant along with official witness had met the petitioner at about 03.30 pm., and handed over the bribe amount in a public place near the park. The respondent after getting pre arranged signal had caught the petitioner red handed, conducted phenolphthalein test which turned positive, money recovered and the petitioner was arrested and remanded to judicial custody on the same day. In continuation to the arrest search was conducted at the petitioner's residence in Coimbatore and inventory taken in the presence of petitioner's wife, mother-in-law and brother-in-law. Thus it is clear that the petitioner had demanded Rs.1lakh bribe and he was caught red handed. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the petitioner is affected with paralytic attack and he requires continuous treatment for the same. He further submitted that the petitioner was suspended from service by the Director, Town and Country Planning on 11.01.2020 and all the documents are now in the possession of the respondent and the petitioner has no access to those documents. Trap has been completed in all aspects and only awaiting chemical analysis report. Hence the continuous detention of the petitioner is not necessary, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that petitioner was working as Assistant Director, Town and Country Planning Office, Dindigul and he initially demanded a sum of Rs.2,00,000/- for giving approval for the lay out. Since the defacto complainant not able to pay the amount as demanded by him he reduced the same to Rs.1,00,000/- and the same was accepted. On the complaint lodged by the defacto complainant trap was conducted and the accused was caught red handed. Phenolphthalein test also proved positive. In continuation to the arrest search was conducted at the petitioner's residence in Coimbatore and inventory has been taken in the presence of petitioner's wife, mother-in-law and brother-in-law. In the house search in the first rack or locker they found the following things.

a) Rs.200X100= Rs.20,000/- Rs.100x100=10000, Rs.50X36=1800, Rs.20x103=2060 and Rs.10x5=50, totally Rs.33,910 and she informed that the money has been kept for taking to temple

<https://hcservices.hc.mysore.gov.in/hcservices/> our box in the name Vijayyeswari Umeda which contains



Rs.2000x5=10,000/- and another Rs.2000x5 = Rs.10000 and she also informed that the money has been kept for temple. Further 8 gms gold coin purchased from the Indian overseas Bank and 10 gm coin from World Gold Council and a bill dated 07.05.2016 for purchasing the same was there.

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c) Navarathina stones and Vinayagar panchaloga in a small box

d) 1/4 gm gold stud, 2gm ring- 2Nos where in a red colour Nabila Jewellers Box for personal use

e) 1 gm gold stud in a red colour box

f) 4 gms gents ring in a Nabilla Jewellers box

g) Silver coin 5 gms and 2 gms

h) Silver Half rope-25gms

2) In the second rack of the locker they found the following items

a) Silver Plates-2 Nos each 400 gms

b) Silver Pot- 500 gms

c) Silver Pot - 200 gms

d) Silver Plate-200gms

e) Kunguma Simil-200 gms

f) Kunguma Simil-100 gms

g) Silver Santhana Kinnam 3 nos each 300 gms

h) 100 gms silver tumber -2 Nos

i) Silver padi- 750 gms

j) 250 gms silver Panneer Kumil

k) 2 kgs Silver vilakku (Totally 5 Kgs and 600 gm silver articles and she also informed that those items were given as gifts by the relatives during the function and the same was handed over to her)

3) Further in that room they also found

a) TN 38 AD 4281 Hero Honda Splendor Rc Book

b) TN58 A 7777 Toyota Innova car service receipt

c) TN 38 BY 3132 Swift Dzire car invoice

d) In a bag- Bass book of Muthukrishnan, SBI Account No.10869352905

e) Saroja SBI Kammalapati Udumalaipettai Branch A/c.32386893371 pass book

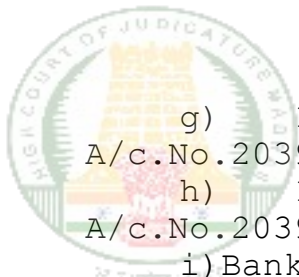
f) Saroja, Manikandan Prabhu, Padmalatha and MuthuKrishnan's Kottur branch IOB A/c.No.01650393130032

d) Padmalatha Karur Vysya Bank Pass book No.1203155000078111

e) Saroja Karur Vysya Bank Pass book No.1203155000078147

f) Receipt for transfer of Rs.2,00,000/- from SBI

<https://hcr.resnet.org.in/CaseDetails/200305517488> dated 20.08.2018



- g) Receipt for transfer of Rs.5,00,000/-from KVB A/c.No.20395517188 dated 17.08.2019
- h) Receipt for transfer of Rs.2,40,000/-from KVB A/c.No.20395517188 dated 17.08.2019
- i) Bank receipt for payment of Rs.3,19,500/-from KVB A/c.No.25532 dated 29.06.2020
- j) Bank receipt for payment of Rs.3,19,500/-from IOB Account No.15293 dated 29.06.2020
- k) Receipt for payment of Rs.2,00,000/- on 31.07.2020
- l) LIC Policy in the name of Padmalatha for RS.50,000/- (Receipt)
- m) Sowmya LIC Policy for Rs.50000/-(receipt)

4) In another room the following items are found

a) Document No.7755/2011 dated 08.12.2020-plot in the name of Saroja registered in the Sub Registrar I, Office at Coimbatore for Rs.4,90,000/-(1937.5 Sq.ft)

b) Document No.3246/2006 dated 27.04.2006-plot in the name of Muthukrishnan registered in the Sub Registrar, Gandhipuram at Coimbatore for Rs.2,00,448 (2088 Sq.ft)

c) Document No.7756/2016 dated 08.12.2011-plot in the name of Saroja registered in the Sub Registrar I, Office at Coimbatore for Rs.4,86,500/-(1937.5 Sq.ft)

The house search was conducted on 08.01.2021 from 8.00 a.m., to 2.00 p.m., Be that as it may.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the petitioner's house was searched and detailed inventory taken and recorded, 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 cum Chief Judicial Magistrate(Full Additional Charge) Dindigul.

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 until further orders.



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/-

02/02/2021

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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.

TO

1. THE SPECIAL JUDGE CUM CHIEF JUDICIAL MAGISTRATE,
(FULL ADDITIONAL CHARGE), DINDIGUL.

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

3. THE OFFICER INCHARGE,
SUB JAIL, PERIYAKULAM.

4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DIRECTOR
VIGILANCE AND ANTI CORRUPTION, CHENNAI.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-623[I] dated 02/02/2021)

ORDER IN

CRL OP(MD) No.1139 of 2021

Date : 02/02/2021

AAV

TK/VR/SAR.1/03.02.2021/5P/7C

<https://hcservices.ecourts.gov.in/hcservices/>